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Rules of Governmental Agencies

Volume 18, Issue 26— July 01, 1994

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
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May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
June 7, 1994	June 14, 1994	25	June 24, 1994	Dec. 13, 1994	Dec. 20, 1994	52	Dec. 30, 1994
June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday ***(the day before).***

Printed by authority of the
State of Illinois
June 1994 – 890 – GA-1443

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Labor Management Program

2) Code Citation: 14 Ill. Adm. Code 620

3) Section Numbers: 620.90 Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 46.32(a) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.32(a)) [20 ILCS 605/46.32(a)[.

5) A Complete Description of the Subjects and Issues Involved: As a result of Public Act 88-0456, the five year funding limitation on local labor-management eligible committees was eliminated. In addition, the Department is eliminating the applicant requirement to submit monthly expenditure reports. This requirement has become an unnecessary reporting burden on grantees who are currently required to submit both monthly and quarterly expenditure reports.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. E. Norman Sims, Deputy Director
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 6th Floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Department of Commerce and Community Affairs: Not Applicable.

B) Types of small businesses affected: Small businesses are not affected by these rules.

C) Reporting, bookkeeping or other procedures required for compliance: Knowledge of accounting is required by grantee staff as well as the ability to report financial expenditure information via an electronic data processing system.

D) Types of professional skills necessary for compliance: Grantee staff must have financial management skills.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 620
LABOR-MANAGEMENT PROGRAM

Section
620.10 Purpose
620.20 Statewide Committee
620.30 Local Labor-Management Committees
620.40 Eligible Applicants
620.50 Application Cycle
620.60 Application Requirements
620.70 Application Evaluation
620.80 Selection for Funding
620.90 Administrative Requirements

AUTHORITY: Implementing and authorized by Section 46.32(a) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.32(a), as amended by P.A. 85-1385, effective September 2, 1988) [20 ILCS 605/46.32(a)], and as amended by P.A. 88-0456, effective August 20, 1993.

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17875, effective October 30, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 6833, effective April 7, 1986; recodified at 11 Ill. Reg. 2737; amended at 11 Ill. Reg. 16096, effective September 29, 1987; emergency amendments at 12 Ill. Reg. 15207, effective September 8, 1988 for a maximum of 150 days; amended at 13 Ill. Reg. 1758, effective January 27, 1989; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 620.90 Administrative Requirements

a) Matching Grant Limitations

1) Matching grants under Category I, Existing Local Labor-Management Committees, shall not exceed 75% of the total operating cost of the program.--~~Funding of eligible committees under Category I shall be limited to five years.~~

2) Matching grants under Category II, Developing Local Labor-Management Committees, shall not exceed 75% of the total operating cost of the program. Funding of eligible committees under this category shall be limited to three years. Previous years' funding under this program will be included in determining whether those committees have

ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT(S)

reached their funding limit under this category.

b) Grant and Matching Grant Limitations - All grant awards will be limited to a period of one year. Applications for continued funding must be submitted annually.

c) Match Requirements - In accordance with the Act, Matching Grants under Sections I and II, require that at least 25 percent of the program and operating costs be supported through local match. For the purpose of this program, match must include at least 50 percent cash and no more than 50 percent "in-kind" services (i.e., donated office space, clerical support, equipment, postage, etc.) which directly further accomplishes the objectives under the grant.

d) Reporting Requirements - An applicant receiving funding under the program must submit to the Department a quarterly programmatic report outlining the goals and objectives which have been achieved during the previous quarter. This report must specify if the major milestones identified by the applicant in its application package are being met according to the timetable provided; if not, an explanation of why these milestones have not been met must be provided. An applicant receiving funding under the program must also submit to the Department ~~monthly and~~ quarterly expenditure summaries describing line item costs charged to the grant and line item matching share supplied by the applicant where applicable. The Department reserves the right to monitor and evaluate the activities of any committee receiving funding under this program.

e) Recovery of Grant Funds - Recipients of grant funds under this program will be required to abide by provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2301 et seq., as amended by P.A. 85-1214, effective August 30, 1988).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Health/Life Safety Code for Public Schools

2) Code Citation: 23 Ill. Adm. Code 180

3)

Section Numbers:	Proposed Action:
180.10	New Section
180.20	New Section
180.30	New Section
180.40	New Section
180.50	New Section
180.60	New Section
180.70	New Section
180.80	New Section
180.90	New Section
180.100	New Section
180.110	New Section
180.120	New Section
180.200	New Section
180.210	New Section
180.220	New Section
180.230	New Section
180.240	New Section
180.300	New Section
180.310	New Section
180.320	New Section
180.330	New Section
180.340	New Section
180.400	New Section
180.410	New Section
180.420	New Section
180.500	New Section
180.510	New Section
180.520	New Section
180.530	New Section
180.600	New Section
180.610	New Section
180.620	New Section
180.625	New Section
180.630	New Section
180.635	New Section
180.640	New Section
180.645	New Section
180.650	New Section
180.655	New Section
180.660	New Section

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

4) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, and 17-2.11.

5) A Complete Description of the Subjects and Issues Involved:

This proposed new Part establishes standards for public school facilities which will protect the health, safety, and general welfare of pupils, school personnel, and others who use them. The requirements set forth in these rules will apply to all Illinois public school districts except those governed by Article 34 of the School Code.

Pursuant to P.A. 87-984, these new rules will supersede and replace two separate, long-standing Parts, 23 Ill. Adm. Code 175 and 185, which set forth construction and maintenance requirements and which will be repealed at a later date. With certain exceptions, the new Part 180 incorporates the standards contained in the 1993 "BOCA National Building Code" published by the Building Officials and Code Administrators.

The proposed rules also delineate administrative provisions needed for enforcement of the requirements, as well as describing procedures and recordkeeping needed in conjunction with the periodic inspections called for in the law. Provisions governing the use of Fire Prevention and Safety financing are also included.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? Yes; see Section 180.60.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180
HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section
180.10 Purpose and Scope
180.20 Severability
180.30 Definitions
180.40 Responsibilities of Local School Board
180.50 Responsibilities of Regional Superintendent
180.60 Applicability
180.70 Variances and Waivers
180.80 Mobile Facilities
180.90 Cost Estimates

SUBPART B: RECORDKEEPING REQUIREMENTS

Section
180.100 District Facility Records Required
180.110 District Facility Inventory
180.120 Safety Reference Plans

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section
180.200 Application for Building Permit
180.210 Issuance of Building Permit
180.220 Inspections During Construction
180.230 Certificate of Occupancy
180.240 Demolition or Movement of Buildings or Other Structures

SUBPART D: INSPECTIONS

Section
180.300 Regional Superintendent's Annual Inspection
180.310 Decennial Inspections
180.320 Safety Survey Report
180.330 Local Board Action
180.340 Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

Section
180.400 Violations
180.410 Unsafe Conditions
180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section
180.500 Request for Authorization
180.510 Initiation of Work
180.520 Accounting for Fire Prevention and Safety Funds
180.530 Emergencies

SUBPART G: SPECIFIC REQUIREMENTS FOR SCHOOL BUILDINGS

Section
180.600 Applicability
180.610 Additional Building Code Requirements for School Buildings
180.620 Fuel Burners and Other Heat Sources
180.625 Boilers and Safety Controls
180.630 Gas Meters
180.635 Gas Piping
180.640 Outdoor Air Rates
180.645 Minimum Room Circulation and Minimum Outdoor Air Required
180.650 Exhaust Requirements for Laboratories Producing Objectionable Odors or Fumes, Animal Rooms, Student Cooking Rooms, and Kilns
180.655 Methods of Heating
180.660 Additional Plumbing Code Requirements for School Buildings

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, and 17-2.11].

SOURCE: Adopted at __ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 180.10 Purpose and Scope

a) The purpose of this Part is to establish standards for public school facilities which will protect the health, safety, and general welfare of the pupils, school personnel, and others who use them.

b) The requirements set forth in this Part shall apply to all Illinois public school districts except those governed by Article 34 of the School Code. The facilities of districts governed by Article 34 shall comply with local building codes.

c) Except as indicated in subsection (b) above, the provisions of this Part shall supersede local building codes and ordinances with respect to public school buildings and facilities. (Section 2-3.12 of the School Code.)

Section 180.20 Severability

If any provision of this Part or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end the provisions of this Part are declared to be severable.

Section 180.30 Definitions

"Annual Inspection" means the inspection conducted annually by a regional superintendent of all the public schools under his or her jurisdiction as required by Section 3-14.21 of the School Code.

"Approved Inspection Agency" means any of the following:

American Gas Association Laboratories

Central Experiment Station, Bureau of Mines, U.S. Department of the Interior

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

National Bureau of Standards, U.S. Department of Commerce

Southwest Research Institute

Underwriters' Laboratories, Inc.

Underwriters' Laboratories of Canada

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Professional Regulation which implement that Act (68 Ill. Adm. Code 1150).

"Change in Use" means any change in how an existing facility is operated, or the purpose for which it is used, that requires greater structural strength, changes in provisions for ingress or egress, or changes in the electrical system, plumbing system, heating, ventilating, and air conditioning system, fire protection system, or other system required by this Part.

"Construction Documents" means the written and pictorial documents prepared or assembled by a licensed design professional to describe the design, location, and physical characteristics of a project involving construction or other like activities subject to the requirements of this Part. Such documents include plans, specifications, inspection reports, test reports, maps, educational specifications, enrollment projections, maintenance logs, safety reference plans, and other, similar, descriptive documents.

"Plans" are drawings. They show what a building, system, or component looks like or will look like at a particular stage of construction.

"Specifications" are instructions. They identify materials to be used, methods to be employed, details and calculations to be considered, and the relationships among design components.

"Decennial Inspection" means the inspection of all buildings in a school district conducted at least every 10 years as required by Section 2-3.12 of the School Code, which shall be conducted by a licensed design professional and shall result in a safety survey report as defined in this Section.

"Engineer" means an engineer licensed to practice in Illinois under the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] and the administrative rules of the Department of Professional Regulation which implement that Act (68 Ill. Adm. Code 1380).

"Facility" means land, buildings, structures and improvements other than buildings, and permanent, fixed equipment attached to or incorporated in any building owned or used for school purposes by a school district subject to this Part. This definition excludes facilities owned by a school district but not used for public school purposes, which shall be subject to local building codes.

"Mobile Facility" means a vehicle used by students and/or staff as an alternative to a building or structure, and not for transportation.

"Licensed Design Professional" means either an architect or an engineer as defined in this Section.

"Like Activity" means any work involving or similar to construction which is performed with respect to any facility of a school district subject to the requirements of this Part, including but not limited to reconstruction, substantial alteration, repair, remodeling, renovation, or change in use. Repairs which qualify as minor repairs shall not be considered "like activities" subject to the requirements of this Part.

"Minor Repairs" are any repairs which, aggregated over the course of a year, cost less than $20,000, with the following exceptions:

Cutting away of any wall, partition, or portion thereof;

Cutting or removal of a structural beam or load-bearing support;

Removal of or change in a required means of egress;

Rearrangement of parts affecting exit requirements;

Addition to, alteration of, replacement, or relocation of any standpipe, drain leader, or gas, soil, waste, water supply, sewer drainage, vent or similar piping; electrical wiring; or mechanical or other required building system.

"Safety Survey Report" means a report prepared by a licensed design professional and ensuing from a decennial inspection required pursuant to Section 180.310 of this Part or another inspection conducted by a licensed design professional.

"School Building" or "School" means a building occupied in whole or in part by public school students or intended for occupancy by such students.

"The School Code" means the School Code [105 ILCS 5/1-1 et seq.].

"Variance" means an alternative to a code requirement that is judged to provide equal or superior performance or protection compared to the code requirement, and is approved by the State Superintendent.

"Waiver" means an exemption from a code requirement that is approved by the State Superintendent because the applicable code requirement is shown to be either economically or technically unfeasible in the case at hand, and because exemption from the particular requirement does not pose a serious threat to the health or safety of the occupants of the facility in question.

Section 180.40 Responsibilities of Local School Board

a) Each local school board shall maintain and operate every facility under its jurisdiction in full and continuous compliance with the requirements of this part and shall visit and inspect the several schools

for this purpose as the interests of the district may require.

b) Each local school board shall comply with the recordkeeping requirements set forth in Subpart B of this Part.

c) Each school board shall secure approval for any construction or like activity subject to the requirements of this Part and shall follow the procedures set forth herein.

d) Prior to constructing or conducting like activity, purchasing, leasing, or renewing a lease for any building or temporary facility, a local school board shall submit to the regional superintendent for approval the construction documents and/or safety reference plans for it. No facility shall be occupied before the regional superintendent has issued a certificate of occupancy.

Section 180.50 Responsibilities of Regional Superintendent

a) The regional superintendent shall enforce the provisions of this Part and shall act on any question relative to the installation, alteration, repair, maintenance or operation of facilities owned, operated, or used by school districts within or subject to his or her jurisdiction.

b) The regional superintendent shall receive applications and issue permits for the occupancy, construction, substantial alteration, repair, remodeling, renovation, demolition, movement, or change in use of facilities owned, operated, or used by school districts as required by this Part, including applications for authority to raise or use fire prevention and safety funds. THE REGIONAL SUPERINTENDENT SHALL APPROVE OR DENY EACH APPLICATION WITHIN THREE MONTHS AFTER ITS SUBMISSION BY THE RESPONSIBLE SCHOOL DISTRICT OR AGENT, FAILING WHICH THE SCHOOL DISTRICT OR ITS AGENT MAY SUBMIT THE APPLICATION TO THE STATE SUPERINTENDENT FOR ACTION. (Section 3-14.20 of the School Code.)

c) The regional superintendent shall issue all necessary notices and orders to ensure compliance with this Part.

d) The regional superintendent shall make or cause to be made all inspections required by Sections 3-14.21 and 3-14.22 of the School Code. All reports of such inspections shall be in writing. The regional superintendent is authorized to engage such expert opinion as he or she deems necessary.

e) Whenever inspections are necessary by any other department or agency, the regional superintendent shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other responsible departments or agencies for the purpose of eliminating conflicting orders before any are issued.

f) The regional superintendent shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained as long as the facilities to which they relate remain in existence.

g) The regional superintendent shall report annually to the State Board of Education on or before October 1, summarizing all of the transactions relating to the administration and enforcement of this Part for the fiscal year ended on the preceding June 30. Such report shall be prepared on forms supplied by the State Board of Education.

h) The regional superintendent and his or her designees shall carry proper identification when inspecting structures or premises in the performance of duties required by this Part.

i) The regional superintendent and his or her designees are authorized to enter the structure or premises of any facility owned, operated or used by a school district in order to conduct the inspections necessary to ensure compliance with this Part. Prior to entering a space not otherwise open to the public, the regional superintendent shall make a reasonable effort to locate a responsible party, present proper identification, and request entry.

Section 180.60 Applicability

After the effective date of this Part, every facility other than a mobile facility shall conform to the "BOCA National Building

Code" published by the Building Officials and Code Administrators (1993; 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), as modified by subsections (a) through (d) of this subsection and Subpart G of this Part, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part. No later amendments to or editions of these standards are incorporated by this rule. The effective date called for in Section 3408.2 of the BOCA National Building Code shall be the effective date of this Part.

a) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Chapter 1 of the BOCA National Building Code.

b) The Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply instead of the accessibility provisions set forth in Chapter 11 of the BOCA National Building Code.

c) The requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall apply instead of those expressed in the BOCA National Plumbing Code incorporated in Chapter 35 of the BOCA National Building Code.

d) The requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120) shall apply instead of those expressed in the Boiler and Pressure Vessel Safety Code (ASME 89) published by the American Society of Mechanical Engineers and incorporated in Chapter 35 of the BOCA National Building Code.

Section 180.70 Variances and Waivers

a) When a requirement or standard set forth in any code incorporated herein can be satisfied by an alternative means, or cannot be satisfied, a school board may apply for a variance or a waiver, respectively, as defined in Section 180.30 of this Part.

1) In either case, the affected facility must have been surveyed by a licensed design professional.

2) When a variance is sought, the architect or engineer conducting the survey shall certify and document in what particular respects the proposed alternative provides performance or protection

equal or superior to that provided by the code requirement(s) from which a variance is sought.

3) When a waiver is sought, the architect or engineer conducting the survey shall certify and document in what particular respects it is impracticable to comply with the particular code requirement, and upon what facts or basis he or she contends that the waiver of the code requirement will not pose a serious threat to the life or safety of the occupants of the facility.

b) Procedure for Obtaining Variances and Waivers

1) The board of education shall complete and submit an application for approval of a variance or waiver to the State Superintendent through the regional superintendent.

2) An application shall be submitted for each variance or waiver sought for a particular facility, and shall:

A) Specify whether a variance or a waiver is being sought;

B) Identify the board of education seeking the variance or waiver, the basis upon which it is seeking the variance or waiver, and the facility for which the variance or waiver is being sought;

C) Indicate the date upon which the board of education adopted a resolution to seek the variance or waiver;

D) Indicate the specific rule from which a variance or waiver is sought;

E) Include, by attachment, the statement(s), supporting documents, and certification of the architect or engineer who surveyed the facility; and

F) Be signed by the president and secretary of the board of education and the district superintendent.

3) Upon receipt of an application for approval of a variance or waiver, the regional superintendent shall record the identifying information, the date of submission, and the subject rule in his or her records and forward the application, his or her recommendation regarding its approval, and supporting materials to the State Superintendent.

4) Upon receipt of the application for approval of a variance or waiver, the State Superintendent may appoint a technical review panel which will review the application and supporting materials, recommend approval or denial of the variance or waiver, and recommend any special conditions under which approval should be granted.

5) The State Superintendent shall issue either a Certificate of Variance or Waiver indicating approval, the date, and any special conditions, or a letter of denial. He or she shall return the application, supporting materials, and certificate or denial to the regional superintendent for processing and forwarding to the board of education.

6) Upon receipt of the certificate, the regional superintendent shall amend his or her records to reflect the conditions and particulars of approval, if approved; or proceed with enforcement of the code if disapproved; and forward the documents to the district originating the application for implementation.

c) Variances and waivers shall be subject to review and revocation:

1) In conjunction with any substantial repair, alteration, new construction, or change in use that may affect the conditions upon which the variance or waiver was granted;

2) If material facts upon which the variance or waiver was based change or are found to be false or erroneous;

3) In the course of review and approval of the next decennial survey conducted in accordance with Subpart D of this Part; or

4) When a code is amended to incorporate the substance of a variance or delete a requirement previously waived.

Section 180.80 Mobile Facilities

A mobile facility may be used, provided that:

a) It is licensed and/or titled as required by applicable provisions of the Motor Vehicle Code and rules promulgated by the Secretary of State or the Department of Transportation; and

b) The regional superintendent has inspected the mobile facility and found that it does not pose a serious threat to the life or safety of its occupants; and

c) It has received a certificate of occupancy from the regional superintendent.

Section 180.90 Cost Estimates

a) Administration and implementation of this Part require that many costs be estimated and certified as a prerequisite to approval of proposed work or determination of the applicability of particular rules. The following standards and procedures are to be used where certification of cost estimates is required or recommended.

b) All cost estimates shall be based upon published price guides such as those compiled by R. S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.

1) The source of the cost figures shall be specifically identified by title, publisher, and period of effectiveness.

2) The cost factors to be used shall be the mean or median costs published for such construction nationally.

3) These raw cost estimates shall be adjusted by applying the appropriate inflation factors, size adjustment factors, and regional cost adjustment

factors published and updated by the State Superintendent.

4) The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the school.

c) Costs of remodeling or repairs to a facility shall be estimated on the basis of square footage, as follows:

1) The estimate shall be based upon the work to be performed as described in the plans and specifications.

2) The estimate shall specify the unit or units of measure, the quantity of such units necessary, and the unit cost installed.

3) A total of estimated costs must be provided, along with a general breakdown.

d) Estimates of the replacement cost of a school shall be based upon the cost of constructing a new building of equal size, serving like grades, and for the same programmatic purposes as the facility to be replaced. The procedure is as follows.

1) Determine the type of school to be built based upon its classification as reflected in the most recent Fall Enrollment and Housing Report filed with the State Board of Education.

2) Determine the size of the school to be built, based upon the square footage of the school to be replaced.

3) Multiply the square footage of the school to be built by the appropriate square-foot cost factor.

A) The published cost factor for elementary schools shall be used for preschools, kindergartens, and elementary schools.

B) The published cost factor for junior high/middle schools shall be used for schools housing various combinations of grades 5 through 9.

C) The published cost factor for high schools shall be used for schools housing combinations of grades 9 through 12.

e) For purposes of estimating costs related to energy conservation measures, the procedures outlined in Appendix A of the "Handbook of Fundamentals" published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (1993; 1791 Tullie Circle, NE, Atlanta, Georgia 30329-2305), shall be used. No later amendments to or editions of these standards are incorporated by this rule.

1) In addition, the source(s) of heating degree days, cooling degree days, and energy consumption data, and the basis for determining the efficiency of existing systems and equipment and their useful lifetimes shall be noted.

2) Where Fire Prevention and Safety Funds are to be used to finance all or part of energy conservation measures, the payback period calculations must show that payback can be achieved over the useful lifetime of the proposed measure or 10 years, whichever is less.

SUBPART B: RECORDKEEPING REQUIREMENTS

Section 180.100 District Facility Records Required

Each school board shall establish and maintain a facility inventory system encompassing all facilities as defined in Section 180.30 of this Part, whether owned by the school district or not owned by the district but used for school purposes.

Section 180.110 District Facility Inventory

a) Within two years after the effective date of this Part, or as soon after that date as a district initiates a facility transaction (see subsection (b) below), whichever occurs first, each school board shall prepare, adopt, and submit to the regional superintendent and the State Superintendent of Education a District Facility Inventory on forms to be supplied by the State Board of Education.

b) The District Facility Inventory shall be amended whenever a facility transaction is complete, i.e., whenever construction or any like activity is carried out, whenever any facility is acquired, newly leased, sold, or demolished, and whenever a lease is not renewed. Such amendments shall be submitted to the regional superintendent and State Superintendent within 60 calendar days after completion of such transactions.

Section 180.120 Safety Reference Plans

Safety reference plans shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

a) Each local school board shall maintain up-to-date safety reference plans for all facilities owned or used by the district for any school purpose. These plans shall reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown thereon. Each set of safety reference plans shall include:

1) A site plan meeting the requirements of subsection (e) of this Section;

2) Schematic floor plans as described in subsection (f) of this Section;

3) An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and

4) Such additional drawings and or schedules as may be necessary to effectively describe the nature and operational characteristics of the facility in question.

b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and any revision thereto shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.

c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.

d) Whenever safety reference plans are completed or updated, they shall be submitted to the regional superintendent for review and approval.

e) Each site plan shall be drawn on sheets no larger than 11" by 17", to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:

1) Highways, boulevards, avenues, or streets bordering the site;

2) Each building or other structure on the site;

3) Each building located on adjacent property less than 75 feet away from a school building;

4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;

5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each such service;

6) Primary walkways, fire lanes, and bus loading and unloading zones;

7) Play areas and automobile parking areas, and the surfacing material of each;

8) Landscaping or other materials or areas on the site that might impede ingress or egress;

9) Fences and gates, and their respective heights;

10) Elevation with respect to sea level and location with respect to floodways and floodplains; and

11) Unusual terrain.

f) Each schematic floor plan shall be drawn for one floor of a building, on a sheet no larger than 11" X 17", at a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.

1) Identification of each fire area shown on the Plan, and a statement establishing the height in stories, construction type, protection classification and Plan classification of each such fire area.

2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.

3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating so required.

4) The identification of each room and space as to its occupancy and use.

5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space thereon.

6) The identification of the areas protected or proposed to be protected by a sprinkler and/or fire detection system.

7) The location, arrangement and width of each stairway, ramp, fire resistive passageway, fire escape and slide escape which serves as a required means of exit, and of each corridor, passageway, primary egress aisle or balcony which provides the required path of travel to each such exit.

8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.

9) The locations of vertical openings and the existing or proposed protection for such openings.

10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.

11) The location of primary air distributing or recirculating fans and designation of the areas served by each such fan.

12) Location and identification of fuel burning equipment (both permanent and moveable).

13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating such tunnel and spaces from adjacent occupied spaces.

g) A plan shall be included for each attic:

1) Which is used, or can be used, for storage purposes; or

2) Which is of combustible construction and used as an open-plenum chamber; or

3) Which has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.

h) Each attic plan shall show:

1) The construction of the roof and ceiling;

2) The slope of the roof and such other details as necessary to illustrate the size and arrangement of the attic;

3) Access doors, ducts and other openings into the attic and existing or proposed protection for such openings;

4) Existing or proposed fire-stopping for subdividing attics;

5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section 180.200 Application for Building Permit

No construction or other, like activity as defined in Section 180.30 of this Part shall begin until a building permit has been obtained pursuant to the following provisions.

a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form supplied by the State Board of Education. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.

b) The completed application shall be accompanied by two copies of all relevant construction documents. Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn).

These plans and specifications consist of the following:

(here list the plates or sheets constituting the plans & specifications)

(Seal) by _____ _____

_____ (Date Signed)
(Architect/Engineer Signature) (Lic. # and Exp. Date)

1) Plans shall be drawn to scale and be based upon the "Architectural Graphics Standards" published by the American Institute of Architects (1988; 1735 New York Avenue, NW, Washington, D.C. 20006). No later amendments to or editions of these standards are incorporated by this rule.

2) Specifications shall, to the greatest extent possible, be written in conformance with the Construction Specifications Institute's "Masterformat" published by John Wiley and Sons, Inc. (1988; 601 Madison Street, Alexandria, Virginia 22314). No later amendments to or editions of these standards are incorporated by this rule.

3) Whenever reference is made in plans or specifications to this Part or the codes incorporated by reference herein, such reference shall identify the specific edition, section and subsection(s) applicable to the subject in question.

c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to said application. This identification number shall be used on all building permits issued pursuant to the application.

d) The regional superintendent shall review the application, to determine whether or not the nature and extent of the proposed work are such as to require plans and specifications for the installation of a sprinkler system, as provided in 23 Ill. Adm. Code 170 (Sprinkler Systems).

1) If a sprinkler system is required or proposed and the plans and specifications are included, he or she shall separate such plans and specifications and forward them to the State Board of Education for review and approval.

2) If a sprinkler system is required but no plans and specifications are included, he or she shall notify the applicant of such deficiency.

3) If no sprinkler system is required or proposed, he or she shall proceed with the review of the application and construction documents.

e) If the proposed work involves the installation of a closed, prefabricated mechanical system, the regional superintendent shall not issue a building permit until he or she has reviewed an evaluation report on such system from an approved inspection agency and verify that the report supports the use of the mechanical system in question as proposed.

Section 180.210 Issuance of Building Permit

The regional superintendent, after having determined that the plans and specifications submitted comply with all applicable requirements, shall approve such plans and specifications in writing. He or she shall record such approval and the date thereof on each of the copies submitted and shall issue the building permit(s) needed for the work approved.

a) The building permit shall be construed as an authorization to proceed with the work approved. It shall not be construed as relieving the applicant and/or architect or engineer, contractor, or subcontractor of responsibility for compliance with the requirements of this Part.

b) The permit shall include a list and description of inspections required before, during, and upon completion of the work.

c) Any deviation from the approved plans and specifications must be approved, in writing, by the regional superintendent.

d) A permit shall become invalid if the work authorized thereby is not begun within 6 months of the date of issuance.

Section 180.220 Inspections During Construction

a) The regional superintendent shall conduct, or cause to be conducted, all inspections identified on the building permit and maintain a record of all such inspections and of any violations of the applicable standards. The school district shall be financially responsible for any inspections ordered by the regional

superintendent and conducted by a party other than the regional superintendent or staff.

1) If, during the course of construction or other, like activity, the regional superintendent determines that there has been or may have been a violation of this Part, he or she shall give written notice to the school district superintendent to stop the work and correct the violations.

2) The stop work order shall direct the district to correct the violation and shall identify the conditions under which work will be permitted to resume.

b) The regional superintendent shall inspect all equipment after it is installed in order to verify that the installation complies with all applicable requirements.

1) No portion of equipment intended to be concealed by any permanent portion of a structure shall be concealed until it has been inspected.

2) No equipment subject to this Part shall be connected to the fuel or power supply and placed into normal operation until it has been inspected to verify that it complies with all applicable requirements.

3) The requirements of this subsection (b) shall not be construed to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a structure if a request for inspection of such heating equipment has been filed with the regional superintendent not more than 48 hours after replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the structure.

c) Upon completion of construction or any like activity, and before issuance of a certificate of occupancy, the regional superintendent shall make a final inspection or cause such an inspection to be made. Any violations of the approved construction documents and building permit(s) shall be noted, and the holder of the permit shall be notified of the discrepancies. No certificate

of occupancy shall be issued until such discrepancies have been remedied.

Section 180.230 Certificate of Occupancy

A certificate of occupancy shall be obtained prior to any occupancy of a facility. A certificate of occupancy shall be printed on a form supplied by the State Board of Education and may be either general or temporary.

a) If requested to do so, a regional superintendent shall issue a temporary certificate of occupancy before completion of the entire work covered by a permit, provided that his or her inspection indicates that some area(s) can be occupied safely prior to full completion.

b) If the work is complete and complies with the requirements of this Part, and upon presentation of accurate safety reference plans for the facility, the regional superintendent shall issue a general certificate of occupancy.

c) The regional superintendent shall respond to a request for a certificate of occupancy within 20 calendar days of his or her receipt of such a request.

Section 180.240 Demolition or Movement of Buildings or Other Structures

Demolition or movement of a building or other structure shall require a permit.

a) Before a building or other structure is demolished or removed, the school district superintendent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer, telephone, and television connections. No permit to demolish or remove a building or other structure shall be issued until a release is obtained from each affected utility.

b) If temporary removal of buildings or other structures on adjoining lots is necessitated by and approved as part of proposed work, the regional superintendent shall verify that written notice has been given by the applicant to the owners of such buildings or other

structures before he or she grants a permit for their removal.

c) Whenever a building or other structure is demolished or removed, the premises shall be maintained free from hazardous conditions. For example, grades shall be restored, debris shall be removed, and necessary retaining walls and fences shall be erected.

d) Buildings or other structures subject to this Part which have been condemned or closed by a regional superintendent shall be subject to local ordinances with respect to demolition or removal.

SUBPART D: INSPECTIONS

Section 180.300 Regional Superintendent's Annual Building Inspection

THE REGIONAL SUPERINTENDENT SHALL ANNUALLY INSPECT ALL PUBLIC SCHOOLS UNDER HIS OR HER SUPERVISION, following the procedures outlined in this Section and recording the results of such inspections on forms provided by the State Board of Education. (Section 3-14.21 of the School Code.) The requirements of this Section 180.300 shall also apply to all other facilities owned or used for school purposes by a school district subject to this Part.

a) At least two weeks before the intended inspection, the regional superintendent shall notify the affected board of education in writing.

b) The notice of annual inspection shall:

1) Identify the building(s) to be inspected;

2) Indicate the date(s) and approximate time(s) when such inspection(s) will occur;

3) Identify the person(s) who will conduct the inspection;

4) Request assignment of school district personnel to assist in conducting the inspection;

5) State what documents should be on hand for review prior to the building inspection(s);

6) List questions or issues to be discussed or resolved; and

7) Specify a date for response to the notice if there are scheduling problems with the proposed inspection.

c) On the date of inspection, the regional superintendent or his or her designee shall conduct a pre-inspection conference and review the records and documents specified in the notice. Subjects to be discussed at this pre-inspection conference include, but are not limited to:

1) The prior year's annual inspection report and the annual progress report required by Section 2-3.12 of the School Code, including any requests for extensions of time;

2) Status of any other work in progress and any plans for future construction or like activities;

3) Evacuation plans and drill schedules; and

4) Asbestos management plan(s).

d) Following the pre-inspection conference, the regional superintendent or designee shall visit each facility and inspect it.

e) At the conclusion of the inspection(s), the regional superintendent or designee shall conduct an exit conference with the designated district official(s) to discuss the results of the inspection. Information to be provided and/or discussed at this conference shall include, but not be limited to any violations noted during the inspection.

f) The regional superintendent shall issue any necessary notice(s) of violations within 10 calendar days and specify the corrective actions to be taken, as provided in Section 180.400(b) of this Part.

g) Following each inspection, the regional superintendent shall prepare a written report of the results on a form supplied by the State Board of Education. THIS REPORT SHALL BE SUBMITTED TO THE BOARD OF EDUCATION BY JULY 30 FOLLOWING THE SCHOOL YEAR FOR WHICH THE INSPECTIONS

WERE CONDUCTED. (Section 3-14.21 of the School Code.) The report shall also be submitted to the State Superintendent of Education, in writing or by such electronic means as the State Superintendent may authorize, and shall include the regional superintendent's approval or disapproval of any extension of time requested by the local board pursuant to Section 2-3.12 of the School Code. The recommendations of the regional superintendent shall be considered approved by the State Superintendent unless the regional superintendent receives notification to the contrary within 60 calendar days after submission of his or her report.

h) Upon submission of the regional superintendent's first annual report after the effective date of this Part, each school board will be required to have a certificate of occupancy for each of its facilities and to maintain these certificates in the district's administrative office.

Section 180.310 Decennial Inspections

WITHIN TWO YEARS AFTER SEPTEMBER 23, 1983, AND NO LESS OFTEN THAN EVERY TEN YEARS THEREAFTER, EACH SCHOOL BOARD SUBJECT TO THIS PART SHALL HAVE ITS SCHOOL BUILDINGS SURVEYED BY A LICENSED DESIGN PROFESSIONAL IN CONFORMANCE WITH THE PROVISIONS OF THIS SECTION. (Section 2-3.12 of the School Code.)

a) In the course of his or her on-site inspection(s), the architect or engineer shall check the accuracy of the safety reference plans, verify the information shown on the facility inventory records, and make such corrections as are necessary. If there are no safety reference plans for a particular school building, the design professional shall draft them.

b) The design professional conducting the survey shall prepare a safety survey report conforming to the requirements of Section 2-3.12 of the School Code and including the materials specified in Section 180.320 of this Part.

Section 180.320 Safety Survey Report

The safety survey report shall include the following documents and forms.

a) A sketch map showing district boundaries and the locations of all facilities.

b) A sketch showing facilities on each site owned or used by the district for school purposes.

c) For each facility, either

1) A Certificate of Compliance, if the survey revealed no violations of applicable requirements; or

2) A violation and recommendation schedule on a form provided by the State Board of Education.

Section 180.330 Local Board Action

a) The board of education shall complete an Application for Approval of Safety Survey Report, on a form supplied by the State Board of Education and, if the board determines that fire prevention and safety financing will be required, a Statement of Facts and Assurances and a Summary of Financing, both on forms provided by the State Board of Education.

b) The board of education shall submit the application for approval of the report, along with a copy of the report and schematic floor plans for areas where violations were noted and work was recommended, to the regional superintendent.

Section 180.340 Approval of Safety Survey Reports

a) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are incomplete or contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report and forward the report and any floor plans to the State Superintendent for approval or disapproval.

b) If the State Superintendent finds that the safety survey report is incomplete or contains errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the State Superintendent shall disapprove

the report and return the material to the regional superintendent for return to the board of education.

c) The State Superintendent shall approve or disapprove the report, within 90 days of its submission by the regional superintendent. If he or she approves the report, he or she shall issue a Certificate of Approval.

d) Upon receipt of the State Superintendent's certificate, the regional superintendent shall issue such orders as are necessary to effect any recommendations contained in the safety survey report.

e) School board action in response to approved safety survey reports shall conform to the requirements of Section 2-3.12 of the School Code.

f) Failure to submit accurate and complete safety survey reports as required shall subject a school district to the recognition provisions of 23 Ill. Adm. Code 1.

g) Submission of Other Survey Reports

1) If, after having received approval of a safety survey report from the State Superintendent and before submission of the next required safety survey report, a board of education is ordered to have a complete or partial resurvey of its facility(ies) conducted pursuant to Section 180.400 of this Part, it shall submit an updated report reflecting the results of said resurvey.

2) The report shall be submitted to the regional superintendent and the State Superintendent for approval or disapproval in the same manner as for a safety survey report resulting from a decennial inspection.

SUBPART E: ADDRESSING VIOLATIONS

Section 180.400 Violations

If a regional superintendent determines that any facility may not comply with the provisions of this Part, the regional superintendent shall inspect or order inspection of the facility and correction of any violations identified.

a) The regional superintendent may require a school board to have a facility surveyed by a licensed design professional if, in the judgment of the regional superintendent, such a survey is necessary to determine compliance with applicable provisions of this Part. (Section 2-3.12 of the School Code.)

b) The regional superintendent shall serve a notice of violation or order on the school district superintendent, identifying the violation and ordering it corrected or discontinued within a specified period of time which shall in no case exceed the timelines set forth in Section 2-3.12 of the School Code.

1) Within 15 calendar days after receipt of a notice of violation, or before expiration of the time allotted by regional superintendent, whichever occurs sooner, a school district superintendent may appeal to the State Superintendent by submitting a written statement identifying the requirement in question and explaining why it is inapplicable or has been incorrectly applied. The district superintendent shall also submit a copy of such an appeal to the regional superintendent.

2) The State Superintendent shall rule on any such appeal and shall transmit his or her decision in writing to the affected school district superintendent within 15 calendar days after receiving the appeal. The State Superintendent shall also transmit a copy of his or her ruling to the regional superintendent.

3) If the State Superintendent's ruling supports the notice of violation, the regional superintendent shall proceed with enforcement of the requirement(s) in question. If the State Superintendent rules that no violation is present, the regional superintendent shall notify the district that the notice of violation is rescinded.

c) When, in the opinion of the regional superintendent, there is imminent danger due to one or more violations, the regional superintendent shall cause the necessary work to be done to render the facility in question temporarily safe, whether or not the procedure called for in subsection (b) above has been initiated.

Section 180.410 Unsafe Conditions

a) Whenever the regional superintendent shall find, in any facility, dangerous or hazardous conditions or materials, the regional superintendent shall have the authority to order such dangerous conditions or materials to be removed or remedied, whether or not a violation of any specific provision of this Part is involved. Such conditions may include, but are not limited to the following.

1) Conditions liable to cause or contribute to the spread of fire.

2) Conditions which interfere with the efficiency or operation of any fire protection equipment and system.

3) Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.

4) Accumulations of dust or waste material in air-conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

5) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.

6) Accumulations of rubbish, wastepaper, boxes, shavings or other combustible materials, or excessive storage of any combustible material.

7) Hazardous conditions arising from defective or improperly utilized or installed electrical wiring, equipment or appliances.

8) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10) Any equipment, materials, processes or operations which are in violation of the provisions and intent of this Part.

b) The regional superintendent shall have the authority to place out of service immediately any unsafe device or equipment regulated by this Part. Unsafe equipment may include, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the facility which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety.

c) Any device or equipment placed out of service by the regional superintendent shall be plainly marked with a sign or tag, which shall not be tampered with, defaced or removed except by the regional superintendent.

d) Equipment deemed unsafe and placed out of service by the regional superintendent shall not be operated after the date of the regional superintendent's order until the required repairs or changes have been made and the equipment has been approved.

Section 180.420 Temporary Closing and Condemnation

a) If, in the opinion of the regional superintendent, a facility or part of a facility poses an imminent threat to the health or safety of its occupants, the regional superintendent shall temporarily close said facility or part of the facility pending determination of the extent of the hazard and order it evacuated immediately.

1) The regional superintendent shall cause to be posted at each entrance to such facility a notice reading as follows: "This Facility is Unsafe and its Occupancy has been Prohibited by the Regional Superintendent."

2) Notice of the closing shall also be served on the school district superintendent.

3) No person shall enter a facility so closed, except for the purpose of inspecting, repairing, or demolishing it.

b) THE REGIONAL SUPERINTENDENT SHALL REQUEST THAT THE FACILITY OR PART OF THE FACILITY BE INSPECTED BY APPROPRIATE PERSONNEL FROM EITHER THE DEPARTMENT OF PUBLIC HEALTH, THE STATE FIRE MARSHAL, OR THE STATE BOARD OF EDUCATION, DEPENDING UPON THE CIRCUMSTANCES. SUCH OFFICIAL(S) SHALL INSPECT THE FACILITY OR PART OF THE FACILITY IN QUESTION; STATE, IN WRITING, WHETHER THE FACILITY IS UNSAFE, UNSANITARY, OR UNFIT FOR OCCUPANCY; AND INDICATE THE REASONS FOR THEIR CONCLUSIONS. (Section 3-14.22 of the School Code.) This report shall be submitted to the regional superintendent as soon as possible.

c) Upon receipt of this report, the regional superintendent shall:

1) Lift the closing order, if the report indicates that the facility is not unsafe, unsanitary, or unfit for occupancy; or

2) Issue a condemnation order, if the report indicates such to be warranted, and include the listing of particulars contained in the report of the inspection conducted pursuant to subsection (b) of this Section.

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, on forms supplied by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:

1) A sketch map showing district boundaries and the locations of all facilities;

2) A sketch showing facilities on each site involved in the request;

3) Schematic floor plans or other drawings necessary to show and describe the facility in question and the nature of the work to be done;

4) A Violation and Recommendation Schedule;

5) Specifications for Work Items; and

6) A Statement of Estimated Costs.

b) If the request is submitted within one year after approval of the district's most recent safety survey report and that report remains accurate, any of the documents contained in that report may be used to meet the comparable requirements of subsections (a)(1) through (a)(6) above.

c) Fire prevention and safety financing shall only be approved if:

1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and

2) the district does not have sufficient unrestricted funds (as defined in 23 Ill. Adm. Code 110, Table B) in its operations and maintenance fund and/or its fire prevention and safety fund to pay for the necessary work.

d) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. THE REGIONAL SUPERINTENDENT SHALL APPROVE OR DISAPPROVE EACH REQUEST WITHIN THREE MONTHS AFTER ITS SUBMISSION BY A LOCAL BOARD.

e) A BOARD OF EDUCATION WHOSE REQUEST IS DENIED BY A REGIONAL SUPERINTENDENT OR NOT ACTED UPON WITHIN THREE MONTHS MAY SUBMIT THE REQUEST TO THE STATE SUPERINTENDENT FOR REVIEW. (Section 17-2.11 of the School Code.)

f) Except under emergency circumstances as provided for in Section 180.570 of this Part, A REGIONAL SUPERINTENDENT SHALL NOT GRANT APPROVAL TO USE FIRE PREVENTION AND SAFETY FUNDS FOR ANY WORK WHICH HAS ALREADY BEEN INITIATED, WITHOUT THE PRIOR EXPRESS AUTHORIZATION OF THE STATE SUPERINTENDENT. (Section 17-2.11 of the School Code.)

g) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.

h) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

Section 180.510 Initiation of Work

Initiation and conduct of construction or other, like activities for which the use of fire prevention and safety financing has been approved shall be subject to the procedural requirements set forth in Subpart C of this Part.

Section 180.520 Accounting for Fire Prevention and Safety Funds

Funds received and expended for fire prevention and safety purposes shall be accounted for pursuant to the applicable provisions of the Program Accounting Manual (23 Ill. Adm. Code 110).

Section 180.530 Emergencies

a) An emergency is a situation which presents an imminent and continuing threat to the health and safety of students or other occupants of a facility; requires complete or partial evacuation of a building or part of a building; or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.

b) If it is determined that fire prevention and safety financing will be required to address an emergency, then the district superintendent or other authorized person shall notify the regional superintendent and the

State Superintendent of Education or designee of the nature of the emergency and the steps to be taken. The regional superintendent and the State Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is required and shall be pursued as outlined in subsections (1) through (4) below.

1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:

   A) The existence of an emergency;

   B) Whether or not funds needed to address the emergency are available;

   C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency;

   D) What interim measures are contemplated to sustain operations;

   E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.

2) Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.

3) Upon receipt of the resolution, State Superintendent or designee shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, prepare a Certificate of Authorization for Emergency Procedures.

4) The Certificate of Authorization for Emergency Procedures shall authorize the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the formal

approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:

A) Proper application for use of fire prevention and safety funds (see Section 180.530) will be initiated and prosecuted in a timely manner by the district;

B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation;

C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

SUBPART G: SPECIAL REQUIREMENTS FOR SCHOOL BUILDINGS

Section 180.600 Applicability

The provisions of this Subpart are specifically applicable to school buildings. Where there is conflict between the specific requirements spelled out herein and the standards expressed elsewhere in this Part, the specific requirements of this Subpart shall govern.

Section 180.610 Additional Building Code Requirements for School Buildings

a) All school buildings shall be subject to the requirements applicable to Use Group E, as defined in the BOCA National Building Code ("BOCA Code").

1) Day care facilities housed in a school building shall also be subject to the requirements of the rules of the Department of Children and Family Services titled "Licensing Standards for Day Care Homes" (89 Ill. Adm. Code 406) and "Licensing Standards for Day Care Centers" (89 Ill. Adm. Code 407).

2) Assembly rooms and spaces in a school building shall also comply with the applicable requirements for Use Group A.

3) Laboratories, shops, and similar rooms and spaces designed or intended for instruction in the laboratory sciences, business, or vocations shall also be subject to the requirements applicable to the use group assigned to the business or vocation taught.

b) Smoke barriers

Smoke barriers shall be provided to subdivide every story into smoke compartments with an area not exceeding 50,000 square feet. Where floor opening enclosures are omitted in accordance with Section 713.3 of the BOCA Code, the connected floor area shall not exceed 100,000 square feet.

c) Smoke partitions

Smoke partitions constructed in accordance with Section 302.1.1.1 of the BOCA Code shall be required, to provide separation of any of the following types of space from all other spaces:

1) assembly spaces;

2) storage rooms over 100 square feet in area;

3) laboratories and shops;

4) ventilating and electrical equipment rooms;

5) boiler and furnace rooms with space for storage; and

6) other rooms or spaces with similar fire hazards.

d) Opening Protectives

Double means of egress cross-corridor doors shall be 1 3/4-inch solid core wood or steel doors. Positive latching devices are not required on double means or egress cross-corridor doors, and center mullions are prohibited.

e) Door Closers

Doors in smoke barriers shall be self-closing or automatic-closing by smoke detection.

f) Standpipe Connections

The required water flow and pressure shall be maintained for not less than 30 minutes.

g) Ceiling Heights

In rooms and spaces designed or intended for use for instructional or assembly purposes (e.g., general classrooms, laboratories, shops, gymnasiums, libraries, and cafeterias), the following minimum ceiling heights shall apply:

1) rooms less than 200 sq. ft. in area, 8 feet;

2) rooms 200 to 2,000 sq. ft. in area, 9 feet;

3) rooms 2,001 to 5,000 sq. ft. in area, 10 feet;

4) rooms over 5,000 sq. ft. in area, 12 feet.

h) Smoke Control

At their openings into connecting buildings, tunnels and enclosed passageways shall be provided with opening protectives closed automatically by smoke detection.

i) Artificial Light

The following minimum average levels of illumination, measured at the desk or bench level, shall be maintained:

1) 1 foot candle for fire escapes, exterior balconies, exterior walkways used for exit purposes, and other exterior paths of exit;

2) 5 foot candles for storerooms, and exterior stairs and landings;

3) 10 foot candles for toilet rooms, lounges, shower rooms, locker rooms, meter and transformer rooms, boiler rooms, furnace rooms, incinerator rooms, and trash rooms;

4) 15 foot candles for interior corridors, interior stairs, interior stairwells, other interior paths of exit, and auditoriums used for other than study purposes by students;

5) 30 foot candles for gymnasiums, band rooms, choral rooms, playgrounds, and multipurpose rooms when used for purposes other than instruction of or study by students;

6) 50 foot candles for classrooms, study halls, stages, laboratories, counseling rooms, offices, and general areas of shops, and for gymnasiums, band rooms, choral rooms, playrooms, multipurpose rooms, auditoriums, and other spaces used for instruction of or study by students;

7) 100 foot candles for sight-saving rooms, drafting rooms, art rooms, and sewing rooms, and on benches, tables and machines in shops.

j) Roofs

Non-classified roof coverings shall not be permitted on school buildings.

k) Central Fan Systems

Supply fans of mechanical ventilating systems exceeding 2,000 cfm in capacity shall be designed and installed so as to be shut down upon actuation of the fire protection signalling system in the smoke compartment served by the fans. Return air fans of such systems shall be arranged so as to shut down or automatically go into full exhaust mode.

l) Membrane Structures

A membrane structure shall be considered a temporary facility subject to the requirements of Section 180.80 of this Part.

m) Assembly Areas or Buildings

An open space at least 30 feet wide shall be considered as meeting the frontage requirement specified in Section 1006.2.2 of the BOCA Code.

n) Pedestrian Walkways

Bridges, covered or enclosed passageways, and tunnels connecting school buildings shall comply with the following requirements.

1) Covered passageways with walls open for less than 4 feet below the roof shall be considered enclosed passageways.

2) Covered or enclosed bridges shall comply with the requirements for passageways.

3) Enclosed passageways of Type 3 or 5 construction as defined in the BOCA Code and covered passageways and tunnels containing combustible contents, such as furniture, shall be included as part of the buildings to which they are attached unless separated therefrom by fire walls. If so separated, they shall be treated as separate buildings.

4) Connections complying with Sections 3106.9.3 through 3106.9.5 of the BOCA Code shall not be included in the area calculations of the buildings they connect.

5) Tunnels shall be of Type 1 construction.

6) Connections or parts of elevated structures more than 75 feet above grade shall be of Type 1 or Type 2 construction.

7) Only Class I interior finishes as defined in the BOCA Code shall be used.

8) The exterior walls of the buildings joined by connections shall be constructed and openings therein protected as required by Sections 705.0 and 706.0 of the BOCA Code, except as modified below.

A) Bridges and Covered Passageways: Fire partitions having a fire resistance

rating of not less than 1 hour shall be provided in the case of adjoining bridges or covered passageways of Type 3 or 5 construction. The fire partition shall extend at least 10 feet above the bridge or passageway.

B) Enclosed Passageways: Fire partitions having a fire resistance rating of not less than 1 hour shall be provided for adjoining enclosed passageways of Type 1, 2, or 4 construction when the separation between adjoining buildings is less than 50 feet.

C) Tunnels: Tunnels providing less than 50 feet of separation shall have a fire wall between buildings. Tunnels providing 50 feet or more of separation shall provide at least 1 hour of fire resistance at all openings into buildings.

Section 180.620 Fuel Burners and Other Heat Sources

a) Fuel burners and other heat sources shall be of the following types:

1) Coal stokers;

2) Oil burners;

3) Gas burners;

4) Combination oil and gas burners;

5) Hand-firing grates;

6) Electric heating elements;

7) Heat pump;

8) Solar heating; and

9) Total energy systems.

b) Each fuel burner (other than burners for incinerators and kilns; or packaged, factory-assembled, interior or

exterior unitary equipment with oil input of 1.5 gph or less or gas input of 200,000 Btu/hr or less, or for burners with oil input of 1.5 gph or less or gas input of 200,000 Btu/hr or less) shall be provided with the minimum operating and safety controls and associated devices listed below, unless otherwise noted.

1) There shall be a relay and thermal protection or a magnetic starter for each 1-phase motor, and a disconnect for each motor. Control wiring and all controls shall be 120 volts or less in conduit, with one line grounded, and all controls shall be wired in the hot line.

2) Each boiler or furnace shall have an aluminum-, steel-, or plastic-finished, noncombustible control panel mounted within sight of the associated burner, including but not limited to:

   A) An "On-Off" switch;

   B) A reset button;

   C) Alarm gongs, pilot lights, and silencing switches;

   D) An engraved or etched, rigid, bolted or screwed-in identifying plate for each device;

   E) Wiring, piping, and control diagrams and operating instructions, framed under glass or plastic and permanently mounted on the panel or separate from panels. One panel may be used for multiple burners, with an identified section for each burner within sight of that burner. Panels or panel sections shall be lighted by room lighting fixtures or by a light fixture provided as part of the panel.

3) A manual emergency fuel-burner switch shall be installed in each boiler room, furnace room, kiln room, and incinerator room and on the exterior or cabinet of each fuel-burning unit located outdoors. The emergency switch shall be located adjacent to the primary entrance, between 6 and 7 feet above the floor; painted red; and labeled "Emergency Fuel Burner Switch."

4) An operating aquastat set at 240°F or lower (for hot water), an operating pressurestat set at 14 psi or less (for steam), or an operating air stat set at 160 F or lower (for warm air) of narrow differential type shall be provided for each burner or group of burners.

5) A safety aquastat plus a safety pressurestat (hot water boiler), a safety pressurestat (steam boiler), or a safety air stat (warm air furnace or kiln) wired in series with operating devices shall be provided on each boiler or furnace.

6) For multiple boiler installations with operating aquastats (hot water) or operating pressurestats (steam) in headers, each boiler shall be provided with two aquastats plus a safety pressurestat (hot water) or two pressurestats (steam) to provide two or more means of safe shut-down of the associated fuel burner when the associated boiler valve is closed.

7) For multiple furnace installations with an operating air stat in the header duct, each furnace shall be provided with two air stats to provide two means of safe shutdown of the associated fuel burner when the associated furnace outlet damper is closed.

8) Where a separate oil pump is used to provide oil pressure, a safety pressurestat shall stop all burners served by a separate oil pump when oil pressure is below the safe point. All oil lines shall be valved at each burner and each pump, with an oil gauge at each oil safety pressurestat and at the burner.

9) Where oil is heated before being burned, a safety thermostat with adjacent oil thermometer shall stop all burners when oil temperature is below the proper point for safe, efficient burning.

10) When any burner is shut off because of flame failure, pilot failure, excessive temperature over a burner, or because of excessive air temperature, steam pressure, hot water pressure or hot water temperature as sensed by safety devices, manual

resetting shall be required, and a common identified red pilot light mounted on the burner control panel shall be lighted; a common signal gong (4" or larger in diameter) with adjacent associated silencing switch on the fuel-burner panel shall sound; and a common conspicuous signal light in an administrative office of the building shall be lighted. For all other types of safety shutdown, resetting shall be automatic.

11) When any burner is shut down because of low oil pressure or temperature, low air flow, high or low gas pressure to the burner and pilot, or low water, a yellow or amber pilot light (on the panel) shall be lighted; and a common gong on the fuel burner panel shall sound. The common light in the office shall be lighted.

12) When any burner is shut down by any other safety device, operation shall be the same as in subsection (b)(11) above, except that the pilot light shall be blue or green.

13) Each hot water boiler shall have a safety pressurestat to stop the burner and sound the alarm if pressure rises to within 1 psi of the maximum water working pressure of the boiler.

14) Each gas burner, each gas pilot for each gas burner, and each gas pilot for each oil burner shall have a separate manual shut-off valve and a separate gas pressure regulator. The main gas supply line to each burner shall have a common low-pressure safety pressurestat switch after the main burner manual valve. For gas burners, both main burner line and pilot line shall have a gas pressurestat or pressure switch arranged to stop the associated gas burner in case of high gas pressure and to sound the alarm. For oil burners, the high-limit gas pressurestat shall be for the gas pilot alone. High pressure shut-offs or pressurestats may be omitted when maximum gas pressure in the street main serving the building (as given in writing by the local gas utility) is not too high for proper burner operation.

15) Higher setting of operation and safety aquastats, thermostats, air stats and pressurestats may be

used for high-temperature, high-pressure systems designed and installed in keeping with limitations outlined under Section 180.655 of this Part. Adjacent to each group of pressurestats must be a gauge with cock; for aquastats, a water thermometer; for air stats, an air thermometer.

16) When a fuel burner is stopped by any safety control, all associated fuel-feeding devices other than oil-circulating pumps shall be stopped.

17) Vents from all gas regulators shall terminate outdoors through a screened elbow turned down 18 inches above the roof or 6 inches from a wall and 8 feet above grade and at least 5 feet to either side of any window, door, or air intake. If a common vent pipe is used, it shall have an area equal to the total area of all connected vents. For a continuous gas pilot, the vent may terminate in a combustion chamber or stack.

18) Each gas burner with an input of more than 200,000 Btu/hr, each gas pilot (for gas or oil burners) with a pilot input of more than 120,000 Btu/hr, and each oil burner with an input of more than 1.5 gph shall be supplied with fuel through two automatic fuel valves piped in series and wired in tandem or parallel, one or more of which shall be motorized or solenoid, arranged to be operated together on a recycling basis. These valves shall normally be closed; shall close on current failure; shall close when a burner is shut off; shall be open when an associated burner is operating; and shall be closed at all other times. A lever handle manual test cock vent (1/4" or larger) to the room and 1/4" brass plug for future test gauge shall be provided between the automatic gas valves. For smaller fuel inputs, a single automatic fuel valve may be used.

19) During pre-purge operation, all combustion and uptake dampers shall be opened to ensure maximum purging.

20) When overfire draft control is called for, it shall include, but need not be limited to:

A) A close-fitting uptake or smoke damper (with suitable air-cooled bearings), which shall be wide open before the burner can start;

B) An uptake damper, modulated to maintain constant overfire draft during burner operation;

C) An uptake damper which is normally open, opens before pre-purge, and remains open until after post-purge;

D) A maximum draft switch (for a forced-draft burner) or a minimum draft switch (for a natural or induced-draft burner) which will stop the burner with automatic reset and sound the alarm in case of inadequate draft or failure of the control system;

E) An alarm system including a common 4" gong, identified amber or yellow pilot light, and silencing switch on the fuel-burner panel and within sight of the burner;

F) A local uptake thermometer which reads up to 800°F; and

G) A "damper open-automatic" switch on the associated fuel-burner panel.

21) Pilots for liquid petroleum gas (LPG) shall provide 100% shut-off.

22) Direct-fired gas or oil water heaters, furnace-burner units, boiler-burner units, space heaters, unit ventilators, unit heaters, and similar room-, exterior- or rooftop-installed, packaged, unitary, factory-assembled equipment (not including kilns and incinerators) with input of 200,000 Btu/hr or less of gas or 1.5 gph or less of oil and conversion or separate burners with input of 200,000 Btu/hr or less of gas or 1.5 gph or less of oil shall have full safety devices called for above, except with a separate, manual oil valve for the main oil burner, a separate manual gas valve and regulator for the main gas burner, a separate, manual gas valve for the gas pilot, and

one or two main automatic fuel safety and control valves.

23) Incinerators and kilns with input of 400,000 Btu/hr or less of gas or 3 gph or less of oil shall also have adjustable timers. Post-purge and pre-purge cycles are not required.

24) All the requirements of this subsection (b) shall apply to gas- or oil-fired incinerators and kilns with fuel burner inputs in excess of 3 gph of oil or 400,000 Btu/hr of gas, except for those stated in subsections (b)(4), (6), (7), (13), (19), (20), (22).

c) Each fuel burner shall be provided with stoker-hold fire controls of the recycling type. Additional control requirements for specific types of burners are set forth below.

1) Vaporizing or pot-type oil burners (not to exceed 4 gph capacity, for #2 and lighter oils) require controls designed and installed so as to:

A) Meter the correct amount of oil into the burner to maintain the pilot flame;

B) Regulate the required amount of oil into the burner for its high-flame operation;

C) Shut off completely the flow of oil in the event of a flameout, pilot failure, low water level, high pressure, or high temperature; and

D) Provide one or two automatic oil valves, non-electric fuel valves, or the equivalent.

2) Pressure-atomizing and vertical rotary oil burners (not to exceed 7 1/2 gph capacity, for #4 and lighter oils) require controls designed and installed so as to:

A) Energize the burner motor and electric ignition circuits;

B) Provide at least a 30-second pre-ignition purge before energizing the ignition spark;

C) Prove proper air flow with approved airflow switch and test for establishment of the main burner flame;

D) Stop the burner and ignition if flame has not been established within a preset time of 15 seconds or less;

E) Monitor the flame continuously during burner operation;

F) Stop the burner and pilot within 15 seconds of pilot or flame failure; and

G) Provide one or two automatic oil valves, non-electric fuel valves, or the equivalent.

3) Pressure-atomizing oil burners (over 7 1/2 gph capacity, for #4 and lighter oils) require controls designed and installed so as to:

A) Achieve the same control functions as required in subsection (c)(2) above for oil burners of the same type, except that response to flame failure shall be:

i) 15 seconds or less for burners burning 33 gph or less (may be electric or gas-electric ignition),

ii) 4 seconds or less for burners burning more than 33 gph (shall be gas-electric ignition with electronically proved pilot);

B) Provide approved pre-ignition purge of at least 30 seconds and post-purge of at least 15 seconds, timed ignition, safety solenoid oil cut-off valve, and low fire start;

C) Provide two automatic oil valves and non-electric fuel valve or the equivalent; and

D) Provide a smoke-uptake damper and fully automatic over-fire draft control for each burner having an input of 75 gph or more with natural draft.

4) Horizontal rotary or steam-, air- or mechanical-atomizing oil burners (for #6 and lighter oils) require controls designed and installed so as to meet the requirements of subsection (c)(2) above and:

A) Shut off the main fuel supply within 4 seconds after flame failure;

B) Prevent the flow of oil, but provide for burner operation, for a preset, pre-ignition purge period followed by the opening of the main fuel valve;

C) Shut off the flow of oil when so required by actuation of the operating or safety controls, but provide for the continuation of the burner operation for a preset, post-purging period of 15 seconds following the closing of the main fuel valve;

D) Lock out in the event of flame or pilot failure shutdown; and

E) Provide two automatic oil valves and a non-electric fuel valve or the equivalent.

5) Gas burners with input of 400,000 Btu/hr or less require controls designed and installed so as to:

A) Prevent opening of the automatic gas valve(s) in the main gas supply until the pilot is proved to be operating properly;

B) Stop the flow of gas through the pilot and burner whenever safe ignition conditions do not prevail;

C) Maintain a continuously burning gas pilot monitored by a thermocouple or electronic pilot, or provide an AGA-approved pilot system; and

D) Provide one or two automatic gas valves for inputs of 200,000 Btu/hr or less and two automatic gas valves for larger inputs and a non-electric fuel valve or the equivalent.

6) Atmospheric-type gas burners with input over 400,000 Btu/hr require controls designed and installed so as to meet the requirements of subsection (c)(5) above and:

A) Provide fully automatic operation with a continuously burning, electrically ignited gas pilot, with automatic component check of the electronic flame-safeguard programming system at the beginning and end of each burning cycle;

B) Provide a complete electronic flame-safeguard system which will function in the following sequence. Upon receiving a call for burner operation from operating controls, a proper pilot shall be proved before permitting the main fuel valve to open. During the burning cycle, the main gas automatic valves shall close within 4 seconds after flame failure; and

C) Provide two automatic gas valves and a group non-electric fuel valve or the equivalent.

7) Power or forced-draft gas burners with input over 400,000 Btu/hr require controls designed and installed so as to meet the requirements of subsection (c)(6) above and:

A) Provide fully automatic operation and pre-ignition purge of at least 30 seconds with an electronic flame-safeguard programming system and either an intermittent or an interrupted electronically proved gas pilot;

B) Establish and prove the existence of the proper pilot or automatically cause a safety shutdown with manual reset. Trial for the pilot shall not exceed 15 seconds;

C) Open the main gas valves upon proof of the existence of the proper pilot;

D) Close gas valves within 4 seconds following a flame failure;

E) Maintain at least a 15-second post-purge burner running period following closing of the automatic gas safety valves at the end of the burner operating cycle;

F) Cause a safe 100% shutdown of the burner with manual reset in the event of flame failure;

G) Provide two automatic gas valves and a non-electric fuel valve; and

H) Provide a smoke-uptake damper and fully automatic and sequenced over-fire draft control and low-draft switch for each burner having an input of 100 therms/hr or more with natural draft.

I) If a power burner is equipped with an electrically ignited constant pilot, pre-purging or post-purging will not be required.

8) Combination oil-gas burners shall have primary controls as required for both fuels.

d) Burners for #6 oil shall have separate oil heaters and primary oil pumps. Every gas or oil fuel line serving as supply to a fuel burner or pilot shall be provided with a manual shut-off valve. Where fuel gas is provided by a local utility, each gas fuel burner installation shall be approved by that utility for connection to its gas mains.

e) Fuel-burning equipment and all associated standard controls shall be AGA-, UL-, or FM-approved; and all additional controls and devices required by this Part shall have similar approval.

f) Fuel-burning equipment located outdoors, on roofs or balconies, or in any indoor space accessible to occupants (other than boiler, furnace or incinerator rooms) shall be fully enclosed in a locked metal cabinet so arranged that no moving part, control, burner, or device is accessible without first unlocking the cabinet, unless the lowest point of the fuel-burning equipment is 8 feet or more above the floor, no part is accessible except by means of a ladder, and all valves, coils, regulators, and other controls are protected. Equipment located outdoors shall be wind-

and rain-tight and either stainless steel, non-ferrous or galvanized steel specially weatherproofed to resist the elements. It shall operate properly and be accessible for servicing under these conditions; all accessible bolts or screws must be tamperproof; the unit shall be accessible for servicing without injury to roofing; and the unit shall be grounded.

Section 180.625 Boilers and Safety Controls

a) Low-pressure steam and hot water boilers and boiler installations shall conform to all applicable requirements of the BOCA Code except as follows:

1) Return loop connections as much as 10 inches below the water line shall be permitted where a "Y" connection or a very short horizontal connection is used.

2) Oil heaters of the submerged or external type shall be permitted for use in preheating fuel oil.

b) Every steam boiler and every hot water boiler shall be provided with the following minimum safety devices:

1) A low-water cut-off which automatically stops fuel supply to the burner when the water level falls below a pre-established minimum level. Such cut-off system shall be mounted in the boiler or exterior chamber, and the chamber shall be provided with at least a 1-inch valved drain. Piping for cut-offs, water columns, gauge glasses, etc., shall be full-size with crosses used at all turns, with unused openings closed with brass plugs. For steam boilers, a second, lower-mounted, low-water cut-off shall be provided and wired in series with the upper cut-off. For hot water boilers, the low-water cut-off shall be installed as high as possible, except that it may be installed slightly below the normal water line if the upper portion of the boiler drum is used as an expansion chamber.

2) A safety pressurestat (steam), or safety thermostat, or aquastat (hot water) set at 200°F or not more than 20% higher than the setting of the operating control and so installed as to

automatically stop its associated fuel burner when the operating control fails to function. Operating and safety pressurestats, thermostats, or aquastats shall not have cocks or shut-offs. For multiple boiler installations, each boiler shall have inlet and outlet valves; and where points of connection for operating pressurestats or aquastats are separated from each boiler by a line valve, each boiler shall be provided with two pressurestats (steam), or thermostats, or aquastats (hot water).

3) Each hot water boiler shall have a safety pressurestat set 1 psi below the boiler's maximum working pressure and so installed as to automatically stop its associated fuel burner with high pressure. Each hot water boiler or group of boilers shall have an expansion tank of sufficient capacity that safety valves will not open when the entire system is heated from 70°F to the maximum operating temperature.

4) Valve drain or drains at all low points of boilers and/or piping, each piped full-size and separately from floor drains.

5) Each boiler shall be provided with three safety valves of equal size, any two of which shall be large enough to dissipate at full capacity; or each boiler shall be provided with two equal-size valves of which each is large enough to dissipate at full capacity. The safety or safety-relief valve discharge shall be piped away from the boiler to a point of safe discharge, and there shall be provisions made for properly draining the discharge piping.

6) Each boiler aquastat or group of aquastats shall have an adjacent water thermometer (at the same level as and close to the aquastat). Each boiler pressurestat or group of pressurestats shall have an adjacent water or steam gauge. All must be accessible and lighted for ease of reading.

d) Boilers may be of steel or cast iron construction.

e) All controls, including automatic and manual valves, shall be accessible for servicing, setting, and replacement.

Section 180.630 Gas Meters

a) Gas meters shall be located outdoors as directed by the local utility or in a ventilated interior space, accessible and protected from tampering.

b) Main gas reducing valves and main regulators shall be located outside of the building, in the boiler, incinerator, furnace, or fuel-burning rooms, or in a gas meter room containing no other equipment, adequately ventilated, and separated from the remainder of the building by the same construction as required for a boiler room without openings.

c) All main gas regulators shall be vented to the outdoors with a vent terminating (in elbow turned down) at least 10 feet above grade, and 5 feet below or above and 5 feet to the side of any exterior window, door, air intake, air outlet, or exit.

Section 180.635 Gas Piping

No gas piping shall be located in any basement, in below-grade rooms, in furred spaces, in attics, above furred ceilings, in underfloor spaces, in crawl spaces, or in tunnels unless such spaces are adequately and permanently vented. Such a space, if not mechanically vented, must be vented to the outdoors, either directly or through a vented or ventilated room above, by having open-screened vents (which cannot be closed) to the outdoors, or to ventilated or vented rooms above from the top of the room or space, equal to one square foot of free area for each 2,000 cubic feet of space. Vented air must flow continuously upward or horizontally to the outdoors or the ventilated or vented room above. Gas piping may be run in concrete slabs on the ground, providing it is bare Type K copper pipe with wrought fittings and sweated joints, using 95-5 solder or silver solder or, if under the concrete slab, it is in tight bell and spigot vitrified clay tile or concrete tile, with watertight cement joints, with tile vented to the outside or to the vented room above at each end and 50 feet o.c. by means of steel pipe sleeves, open to the outside or room above with venting area at each sleeve at least the same as the cross sectional area of the gas pipe. Other gas piping may not be concealed.

Section 180.640 Outdoor Air Rates

Outdoor air rates shall conform to those specified in Table M-1604.3 of the BOCA National Mechanical Code, except as follows:

a) Auditoriums - Capacity 150 persons per 1,000 square feet - 15 cfm per person.

b) Classrooms - Capacity 50 persons per 1,000 square feet - 15 cfm per person.

c) Corridors - .10 cfm per square foot.

d) Laboratories - Capacity 30 persons per 1,000 square feet - 20 cfm per person.

e) Libraries - Capacity 20 persons per 1,000 square feet - 15 cfm per person.

f) Locker and dressing rooms - 1.5 cfm per square foot.

g) Toilets - 2.0 cfm per square foot.

h) Shower rooms - 2.0 cfm per square foot.

i) Music rooms - Capacity 50 persons per 1,000 square feet - 15 cfm per person.

j) Smoking lounges - Capacity 70 persons per 1,000 square feet - 60 cfm per person.

k) Shops - Capacity 30 persons per 1,000 square feet - 20 cfm per person.

Section 180.645 Minimum Room Circulation and Minimum Outdoor Air Required

a) The occupancy of any room or space for determining cfm for ventilating and circulating of air shall be the design occupancy or the ventilation occupancy, whichever is larger, as calculated for each room or space by dividing the net floor area of such room or space by the applicable figure shown below.

1) Cafeterias - 25.0

2) Kitchens associated with cafeterias - 83.3

3) Auditoriums and theaters (fixed seats) - 10.0

4) Bleacher areas - 6.65

5) Gymnasiums, playrooms, multipurpose and other assembly rooms (fixed or movable seats) - 10.0

6) Standing room areas (foyers, entryways, etc.) - 5.0

7) Study halls - 20.0

8) Normal classrooms - 30.0

9) Libraries - 41.6

10) Food-cooking rooms, science laboratories, arts and crafts rooms - 50.0

11) Industrial arts rooms and shops and garages with student occupancy - 83.3

12) Locker rooms - 16.6

13) Offices, clinics, and counseling rooms - 33.3

14) Mechanical rooms and spaces - 100.0

15) Storage rooms and spaces - 100.0

16) Basements not subject to occupancy by pupils - 100.0

b) Each room or space having a capacity of 10 or more persons shall be provided with a mechanical-supply ventilating system circulating room and/or outdoor air when occupied, conforming to the following minimum requirements.

1) Minimum total air turn-over, air change, or air rotation shall be 6.0 air changes per hour (based on the lowest 12'-0" of room) or 1.0 cfm per square foot of floor area or 20 cfm per person (based on occupancy for ventilation purposes), whichever is greater. For gymnasiums and similar rooms which are to be used largely for purposes of exercise and other vigorous physical activities

and rarely used for assemblies, the requirement of 20 cfm per person does not apply.

2) Minimum outdoor supply shall be introduced as soon as a room is up to thermostat setting and shall be 5 cfm per person (based on room occupancy). Percentages of outdoor air supply shall be gradually increased to 100% to minimize overheating of occupied ventilated rooms, unless other mechanical means are provided to minimize overheating.

3) In cafeterias and associated kitchens, domestic science rooms, cooking rooms, home economics rooms, laboratories, other rooms where odors are produced, and locker rooms with makeup air drawn from outdoors, minimum outdoor air supply shall be introduced as soon as the room is up to thermostat setting and shall be 50% of total cfm circulated by the supply ventilating system, with the percentage gradually increased to 100%. In all such rooms and spaces, minimum make-up air and minimum percentage of outdoor air shall be increased as needed to avoid negative room pressures at fuel burners.

4) In kitchens, welding and painting rooms (including booths and hoods), projection rooms, toilet, shower, and locker rooms, industrial shops, laboratories producing objectionable odors or fumes, animal rooms, student cooking rooms, kilns, and laboratory fume hoods, minimum outdoor air supply shall be introduced whenever exhaust fans are running (regardless of room temperature). In all such rooms and spaces, minimum make-up air and the minimum percentage of outdoor air shall be increased as required to avoid negative room pressures at fuel burners.

5) In swimming pool rooms, minimum outdoor air supply shall be introduced whenever exhaust fans are running; and minimum total air circulated by supply ventilating system shall be 90% or more of the amount exhausted at any time, regardless of room temperature.

6) In gymnasiums, outdoor air supply may be drawn in through windows, with window-ventilating window

openings having an area of not less than 3% of the floor area, unless mechanical outdoor air supply is required to avoid negative room pressure at fuel burners.

c) The following exceptions apply to variable air volume (VAV) systems.

1) The total room air supply may be automatically revised down to 5 cfm per pupil present, in keeping with room temperature requirements.

2) Air diffusion must be employed which will permit such a reduction in air change without objectionable noise, drafts, or "spills."

3) The air supply and air return fans must be controlled to keep the air supply and the air return in balance.

4) VAV systems must not be used where constant air circulation is required to replace air removed by exhaust fans or where constant air supply is required.

Section 180.650 Exhaust Requirements for Laboratories Producing Objectionable Odors or Fumes, Animal Rooms, Student Cooking Rooms and Kilns

a) Air exhausted, including exhaust from fume hoods and ceiling grilles, must total at least 1.25 cfm per square foot of floor area. Outdoor make-up air equal to 33 1/3% of exhaust shall be supplied by a room ventilating system before the room is up to temperature and 75% or more after the room is up to temperature.

b) Where a laboratory producing objectionable odors or fumes is located in a larger room or area, as in an "open plan area," the cfm exhaust shall be based on the gross area occupied by the laboratory equipment, tables, and aisles.

c) Each kiln must be provided with a non-combustible, rigid, "non-spill" hood, with air removed by a separate exhaust fan, of such capacity as will prevent all "spill."

d) Animal rooms with live animals must be exhausted at a rate of 2.0 cfm per square foot.

Section 180.655 Methods of Heating

a) Heating systems (and system controls) serving any occupied room or space (other than storage, boiler, furnace, incinerator, trash, transformer, and equipment rooms or spaces) having a capacity of 10 or more persons, and classrooms, assembly rooms, auditoriums, stages, gymnasiums, all-purpose rooms, multipurpose rooms, dressing rooms, shops, corridors, vestibules, lobbies, entrances, laboratories, garages, offices, and conference rooms, shall be so arranged that the temperature in each such room or space may be individually controlled. Each room or space with a ceiling height of less than 12 feet shall have thermostats for each 2,000 square feet of floor area, except for gymnasiums, shops, cafeterias or auditoriums.

b) Exposed surfaces of heating and/or ventilating equipment which may be touched by occupants shall not exceed 180°F except in boiler, furnace, incinerator, kiln, equipment, transformer and utility rooms, tunnels, and manholes.

Section 180.660 Additional Plumbing Code Requirements for School Buildings

The occupancy of any room or space for determining the number of plumbing fixtures required shall be the design occupancy or the plumbing occupancy, whichever is larger, as calculated for each room or space by dividing the net floor area of such room or space by the applicable figure set forth in Section 180.645(a) of this Part.

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1) Heading of the Part: Nonpublic Special Education Facilities

2) Code Citation: 23 Ill. Adm. Code 401

3)

Section Numbers:	Proposed Action:
401.10	Repeal
401.20	Repeal
401.30	Repeal
401.40	Repeal
401.50	Repeal
401.60	Repeal
401.70	Repeal
401.80	Repeal
401.90	Repeal
401.100	Repeal
401.110	Repeal
401.120	Repeal
401.130	Repeal
401.140	Repeal

4) Statutory Authority: 105 ILCS 5/14-7.02.

5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and concurrently replaced with a new Part covering the same subject matter.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed repealer contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl

STATE BOARD OF EDUCATION

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Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the proposed rule(s) begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
NONPUBLIC SPECIAL EDUCATION FACILITIES

Section
401.10 Application for Eligibility
401.20 Approval
401.30 General Requirements
401.40 Operating Schedule
401.50 Tuition Charge and Payment
401.60 Placement Procedures
401.70 Reporting Procedures
401.80 Review Procedures
401.90 Termination
401.100 Student Records
401.110 Staff Records
401.120 Staff Requirements
401.130 Instructional Program
401.140 Fiscal Responsibility

AUTHORITY: Implementing and authorized by Section 14-7.02 of The School Code (Ill. Rev. Stat. 1981, ch. 122, par. 14-7.02).

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at ___ Ill. Reg. _____, effective _____.

Full caps indicate statutory language.

Section 401.10 Application for Eligibility

a) A nonpublic facility desiring to educate handicapped students from Illinois public school districts under Section 14-7.02 of The School Code shall annually apply for eligibility on forms provided by the State Board of Education.

1) Any nonpublic facility that was not determined eligible to participate in this program during the preceding school year shall be evaluated for approval under Section 401.20 of this Part prior to acceptance of the application for eligibility.

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2) All information requested on the application form shall be provided. Incomplete, unsigned, altered, or illegible forms will not be accepted.

3) Information provided that is contrary to requirements enumerated in other Sections of this Part shall render the application unacceptable.

4) Reasons for information requested and deemed not applicable by the nonpublic facility shall be documented and a waiver requested.

5) An organization sponsoring more than one nonpublic facility or offering a program at more than one site shall submit an application for each nonpublic facility or site.

6) The nonpublic facility shall be notified when the application for eligibility is accepted and the date eligibility begins.

b) It shall be the responsibility of the nonpublic facility to provide documentation annually of current licensure or approval by an appropriate state or other acceptable agency that will provide assurance to the State Board of Education that the nonpublic facility is operated in a manner that will protect the health and safety of its occupants.

1) The standards and criteria used by such an agency to license or approve the nonpublic facility shall be on file with and their acceptability determined by the State Board of Education.

2) This documentation shall provide assurance that the nonpublic facility is in compliance with 41 Ill. Adm. Code 100, Fire Prevention and Safety.

3) This documentation shall be provided for each location for which an application for eligibility is submitted.

c) Eligibility to participate in this program shall be withdrawn at such time as any nonpublic facility is declared nonapproved under Section 401.20(d) of this Part, or licensure or approval by the appropriate state

or other acceptable agency, as required in Section 401.10(b) of this Part is revoked.

d) No nonpublic facility shall be utilized by a district until;

1) the facility is approved by the State Board of Education.

2) costs have been established for it by the Governor's Purchased Care Review Board (GPCRB),

3) proposed residential placements are reviewed and approved by the State Board of Education prior to placement,

4) other state agency representatives, as appropriate, have been involved in the process, and

5) Section 401.20(a)(4) has been incorporated in the contract required by Section 401.60(c).

e) For the 1980-1981 school year children already placed in a facility with costs not established by the GPCRB or costs higher than those approved by the GPCRB shall have such costs paid by State Board of Education.

Section 401.20 Approval

a) Nonpublic facilities eligible to educate handicapped students from Illinois public school districts under Section 14-7.02 of The School Code shall be evaluated periodically by the Department of Recognition and Supervision of the State Board of Education and given a status of Approval, Pending Further Review or Nonapproval.

1) Facilities, programs, records and documentation relating to this Part shall be made available by the nonpublic facility at any time, with or without prior notification, for the purpose of inspection and evaluation by official representatives of the State Board of Education.

2) Appropriate statutes and regulations regarding confidentiality of student records shall be followed at all times.

3) After September 1, 1977, any nonpublic facility making application to participate in this program, that was not eligible during the preceding school year, shall be evaluated for approval prior to acceptance of the application for eligibility.

4) Each nonpublic facility shall assure that there will be no charge to parents for special education, related services or room and board provided to children placed in the facility by an Illinois public school district. (See 23 Ill. Adm. Code 226, Special Education)

b) Approval shall be granted to a nonpublic facility that has undergone an on-site evaluation by the State Board of Education and has been found to be in compliance with this Part.

1) After September 15, 1980, no previously nonapproved nonpublic facility will be granted "Approval" until allowable costs have been established for it by the GPCRB.

2) By July 1, 1981, any nonpublic facility with a status of "Approval" shall have allowable costs established for the facility by the GPCRB as a condition of continued "Approval" status.

c) Pending Further Review

1) After an initial visitation, a status of Pending Further Review may be granted, as deemed necessary or appropriate, to provide a reasonable period of time to correct items of noncompliance with this Part. No more than 45 calendar days from official notification may be awarded for filing an acceptable progress report, and no more than 90 school days may be awarded for being in full compliance. An appeal to the State Board of Education must be made for any deviation from this schedule.

2) After the period of time granted for Pending Further Review has lapsed, and it has been determined that the items of noncompliance have not been removed, the State Board of Education shall determine an effective date that such

eligibility will cease and notify the nonpublic facility and school districts that have enrolled handicapped students in the facility under Section 14-7.02 of The School Code, of any decision to withdraw the eligibility of the nonpublic facility that was granted under Section 401.10 of this Part.

3) If it is determined during the period of time granted for Pending Further Review that the nonpublic facility has corrected items of noncompliance and is in compliance with this Part, the status of Approval shall be granted.

d) Nonapproval shall be granted to a nonpublic facility that has undergone an on-site evaluation by the State Board of Education, has been processed according to Section 401.20 (c)(1) and (2), and has been found to be in noncompliance with this Part.

e) Nonapproval status shall void the eligibility of the nonpublic facility to educate handicapped students and receive funds from Illinois public school districts under Section 14-7.02 of The School Code.

Section 401.30 General Requirements

a) There shall be an accurate written description of each instructional program offered by the nonpublic facility provided to the State Board of Education with the application for eligibility under Section 401.10 and kept updated as required under Section 401.30(e).

1) Each program description shall indicate the type of handicapped students for whom it is specifically intended.

2) These program descriptions shall be available for dissemination to the public schools, parents, guardian, or other interested organizations or individuals.

b) There shall be a written plan for the educational administration and organization of the nonpublic facility; this plan shall include but not be limited to:

1) The stated purpose and scope of the nonpublic facility.

2) The defined student population of the nonpublic facility.

3) A written plan for the allocation of space solely for instructional purposes during the school day.

4) Assurance that the physical environment of the nonpublic facility is in a condition that will protect the health and safety of the handicapped students.

5) An organizational chart that reflects the governing, administrative and educational structure of the nonpublic facility.

6) This written plan shall be reviewed and revised annually to reflect the current educational administration and organizational structure.

c) The nonpublic facility shall have on file and make available to parents or guardians of handicapped students enrolled under Section 14-7.02 of The School Code and the staff of the nonpublic facility, this Part, and 23 Ill. Adm. Code 226, Special Education so they may be aware of regulations that pertain to handicapped students enrolled in nonpublic facilities under Section 14-7.02 of The School Code.

d) The nonpublic facility shall maintain a current roster of Illinois handicapped students enrolled under Section 14-7.02 of The School Code.

e)

1) The nonpublic facility shall report changes in the following areas to the public school district of residence of each handicapped student and the State Board of Education, Nonpublic School Approval Section:

A) Administrative, professional, and instructional staff changes.

B) Major instructional program changes.

C) Changes in location and physical facilities.

2) Written notification is required at the time of change for the purpose of documenting compliance, determining any change in the current status of eligibility of the nonpublic facility, and to update application forms and the official files.

f) The nonpublic facility shall allow visitation at any time, with or without prior notification, by personnel of the school district of residence of a handicapped student, to determine appropriateness of placement, to observe program, and to evaluate a handicapped student, as deemed necessary by the school district.

g) Reports and information shall be provided to official representatives of federal or state agencies as mandated by federal or state statutes and regulations.

Section 401.40 Operating Schedule

a) The nonpublic facility shall provide at least 176 days of planned instructional program for each handicapped student for a minimum of five hours per school day during the regular school year.

b) For full reimbursement, the summer session, when provided, shall consist of at least 120 hours of planned instructional program for each handicapped student.

c) When a nonpublic facility operates a continuous program, documentation that the instructional program is in compliance with Section 401.40(a) and (b) shall be provided to the State Board of Education with the application for eligibility required under Section 401.10 of this Part.

d) The length of the full-day program provided to an individual handicapped student may be adjusted as determined appropriate to the handicapped student's needs. The rationale for an adjusted full-day program shall be developed jointly by the public school, parents and nonpublic facility personnel. This rationale shall be kept on file at both the public school and nonpublic facility.

e) Dual placement in a nonpublic facility and a public school during a planned school day, utilizing the provisions of Section 14-7.02 of The School Code shall be made in accordance with 23 Ill. Adm. Code 226, Special Education and Section 401.60 of this Part.

Section 401.50 Tuition Charge and Payment

a) Tuition charged for the regular school year to the public school by the nonpublic facility shall be according to current statutory requirements.

b) Tuition charged for the summer session to the public school by the nonpublic facility shall be according to current statutory requirements.

c) In all instances, actual tuition costs shall be fully documented and available at all times to the school district of residence and the State Board of Education.

d) The tuition charge for all handicapped students enrolled less than full time shall be prorated on actual documented cost for each handicapped student so enrolled.

e) If the parent or guardian of a handicapped student request tuition assistance from the nonpublic facility under Section 14-7.02 of The School Code, they shall be advised:

1) That the handicapped student must first be enrolled in the public school district of the handicapped student's residence.

2) That placement in the nonpublic facility shall be made under the provisions of Section 401.60 of this Part.

3) Of the right to review educational placement procedures under 23 Ill. Adm. Code 226, Special Education.

f) All payments made on behalf of a handicapped student by the public school to the nonpublic facility shall be expended only for: special education, related services and room and board. (See 23 Ill. Adm. Code 226, Special Education)

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Section 401.60 Placement Procedures

a) When the decision has been made by the public school district of a handicapped student's residence to place the student in a nonpublic facility, appropriate nonpublic facility personnel shall be available to meet in a joint staff conference with public school personnel, to determine and set forth in writing, a program plan that shall include specific, realistic goals for the handicapped student that can be accomplished through the nonpublic facility program during the school year.

b) When the decision has been made by the public school district of a handicapped student's residence to place the student in a nonpublic facility so geographically removed from the public school district as to make it impossible to conduct a joint staff conference, appropriate nonpublic facility personnel shall be available to determine and set forth through written correspondence, a program plan that shall include specific, realistic goals for the handicapped student that can be accomplished through the nonpublic facility program during the school year.

c) When the decision has been made by the public school district of a handicapped student's residence to place the student in a nonpublic facility, the nonpublic facility shall enter into a contractual agreement with the public school district under the provisions of 23 Ill. Adm. Code 226, Special Education. It shall be the responsibility of the nonpublic facility to determine that the provisions of the contractual agreement specify the educational program required by the placing school district and include specific goals to be accomplished during the school year, for each handicapped student enrolled from a public school district.

d) When a handicapped student has been placed in a nonpublic facility under the required contractual agreement, the nonpublic facility shall request, in writing, the public school records of the medical, social, psychological, and educational status of the handicapped student, unless such records were provided at the time of placement. This request, if necessary, shall be accompanied by the written consent of the parent or guardian addressed to the school district,

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permitting release of all such documented information to the nonpublic facility.

e) Changes desired by the nonpublic facility that constitute a deviation from the program as agreed to at the time of the original placement, and as stated in the placement contract, shall be negotiated with the public school district and the parent or guardian. The contract shall then be amended according to the agreed upon changes in the program of the handicapped student.

f) With due regard to confidentiality and written consent from the parent or guardian, the public school records, together with other evaluation deemed necessary, shall be utilized by the nonpublic facility to provide within 30 calendar days, the individualized educational plan proposed for the handicapped student that directly relates to the program needs and goals defined by the school district at the time of placement.

1) The individualized educational plan shall be done in writing and supplied to the placing district for approval.

2) A copy of the individualized educational plan shall be maintained in the nonpublic facility student record file to document compliance.

g) The administration of any nonpublic facility offering school subjects for which handicapped students are to receive academic credit, shall obtain prior agreement with the school district of the handicapped student's residence for those academic credits to be earned that will be acceptable to the school district.

h) In cases of potentially eligible handicapped students who come to the attention of nonpublic facility personnel through sources other than the public schools, the parent or guardian of such handicapped students shall be advised:

1) Of the handicapped student's right to a free public education.

2) Of their responsibility to enroll the handicapped student in the public school district of residence prior to any commitment or evaluation by the nonpublic facility and that such placement may

only legally be made under the provisions of Section 401.60 of this Part.

3) Of their rights under Article 14 of The School Code as enumerated in 23 Ill. Adm. Code 226, Special Education.

Section 401.70 Reporting Procedures

a) The nonpublic facility shall maintain attendance records for each enrolled handicapped student.

1) Attendance shall be reported, by the 15th of the month following attendance, to the public school district of the handicapped student's residence for average daily attendance purposes.

2) Instances of truancy shall be reported immediately to the responsible public school after five consecutive days' absence.

3) Attendance records shall be retained at least three years prior to disposal.

b) The nonpublic facility shall submit progress reports to the public school, at least annually, for each handicapped student enrolled. These reports shall be submitted on forms provided by the State Board of Education.

1) All information requested on this form shall be provided.

2) Reasons for information requested and deemed not applicable by the facility shall be documented.

3) Further information may be requested at the discretion of the handicapped student's school district of residence.

c) The nonpublic facility shall report the progress or current status of the handicapped student, at least at the end of each semester and the summer session, to the parent or guardian of the handicapped student.

1) If this reporting is done in a written form, the parent or guardian shall be requested to sign the report, and it shall be retained in the

administrative student record files to document compliance.

2) If this reporting is done verbally, the parent or guardian shall be requested to sign a statement indicating that a verbal report was given and that they understood what was told to them. This statement shall be retained in the administrative student record files to document compliance.

Section 401.80 Review Procedures

a) The nonpublic facility staff shall either be available for or request a meeting, at least annually, with the school district of residence of each handicapped student enrolled under Section 14-7.02 of The School Code, for the purpose of determining progress made by the handicapped student, necessary revision of the program for the handicapped student, and the continued eligibility and/or appropriateness of placement of the handicapped student. This is in accordance with the 23 Ill. Adm. Code 226, Special Education.

1) Additional diagnostic services which are indicated as a part or result of this review shall be provided by the school district of the handicapped student's residence. This is in accordance with 23 Ill. Adm. Code 226, Special Education.

2) For those handicapped students residentially placed in nonpublic facilities so geographically removed from the public school district of residence as to make it impossible to conduct an on-site review, the review may be conducted by written correspondence. All such correspondence shall be dated and placed in the student record file to document compliance.

b) A parent or guardian may request a review of the educational placement of a handicapped student for which they are legally responsible through the public school district of the handicapped student's residence.

1) The nonpublic facility shall have on file the review procedures as outlined in 23 Ill. Adm. Code 226, Special Education.

2) The nonpublic facility shall advise any parent or guardian of these procedures upon request.

Section 401.90 Termination

a) The nonpublic facility shall notify in writing the public school district of the handicapped student's residence and the parent or the legal entity responsible for the handicapped student, if it is the desire of the nonpublic facility to terminate the placement contract. Such notice shall be made at least 30 calendar days in advance of the proposed termination.

b) The nonpublic facility shall, if the type of handicapped student population warrants it, develop within its system of services, a crisis intervention procedure to provide for the disposition of handicapped students whose acts of behavior are deemed to be harmful to the handicapped student, his environment, or other students and staff.

1) The placing school district and the parent or guardian of the handicapped student shall be made aware of this procedure at the time of the handicapped student's placement.

2) If it becomes necessary to implement this procedure, the public school district of the handicapped student's residence and the parent or guardian shall be notified immediately so that the appropriate Sections of 23 Ill. Adm. Code 226, Special Education may be implemented by the public school district.

c) The nonpublic facility shall notify the public school district immediately upon the removal of a handicapped student from the nonpublic facility by the parent or other legal entity responsible for the handicapped student.

Section 401.100 Student Records

a) Nonpublic facilities shall maintain a separate student record file for each handicapped student enrolled under Section 14-7.02 of The School Code in a central office location. This file shall contain the following

information, or the information shall be made readily accessible for inspection:

1) Documentation of the date of placement or enrollment.

2) Report of the placement staffing with the school district of the student's residence.

3) The contract for the handicapped student from the placing school district with the following attachments:

A) The educational program required and the goals to be accomplished for the handicapped student that were agreed to and provided by the school district of residence at the time of placement.

B) The individualized educational plan proposed by the nonpublic facility for the handicapped student and provided to the school district of residence within 30 calendar days after placement, and as approved by the school district, as required in Section 401.60(f).

4) Accurate, current attendance records, with documented evidence of reporting attendance to the public school district of the handicapped student's residence, as required in Section 401.70 (a).

5) Documentation of reported truancy, if applicable.

6) Reports of all review procedures under Section 401.80.

7) All progress reports to public school districts of residence.

8) All progress reports to parents.

9) With due regard for confidentiality, all medical, social, psychological, and academic material provided by the school district of residence or gathered by the nonpublic facility.

10) Termination records, if applicable. All material in the student record file shall be appropriately signed, dated, and in chronological order for the purpose of inspection and evaluation by the State Board of Education and the public school district of the student's residence. Records of the same nature required by other state or federal agencies may also be kept in the student file.

b) All records of a handicapped student enrolled in a nonpublic facility under Section 14-7.02 of The School Code shall be the property of the public school district of the student's residence and shall be subject to the policies and procedures established by that school district to govern school student records.

c) When a handicapped student is no longer enrolled in a nonpublic facility for any reason, regardless of any monetary amount due the nonpublic facility, the following shall be returned or provided to the public school district of the handicapped student's residence within thirty calendar days:

1) The medical, social, psychological and educational records that were provided by the public school district at the time of the handicapped student's placement.

2) Other records of an academic or instructional nature that have accumulated during the handicapped student's enrollment at the nonpublic facility.

3) A transcript of any academic credits earned while the handicapped student was enrolled at the nonpublic facility.

4) Attendance records of the handicapped student's enrollment at the nonpublic facility.

Section 401.110 Staff Records

a) Nonpublic facilities shall maintain separate records for each staff member, employed either full time or part time, who provide direct instructional services or who are directly involved in the development and implementation of instructional services and programs for handicapped students enrolled in the nonpublic

facility under Section 14-7.02 of The School Code. The following information shall be maintained in a separate file or made readily available for inspection by appropriate State Board of Education staff:

1) Individualized job descriptions that accurately reflect duties to be performed.

2) Initial physical examination reports, records indicating freedom from tuberculosis, and subsequent medical reports that may be required by the facility.

3) Copies of high school, college, or university transcripts that indicate graduation, degrees, special training or education held and/or copies of state certification, licensure or registration held by all professional staff members employed either part time or full time.

b) The nonpublic facility shall maintain a separate file of all inservice programs developed and implemented for the purpose of orientation, training and upgrading of the staff, as required by Section 401.120(c). This file shall be available for inspection and include, but not be limited to:

1) Orientation and training procedures for new staff.

2) Agenda of formal staff training conducted in the facility with documentation of dates and amount of time utilized.

3) Records and reports of seminars, conferences, lectures, and other training sessions attended by staff outside the facility premises.

4) Records of ongoing training offered as a part of the assignment of professional support personnel.

c) Material in the staff and inservice files shall be available for inspection and evaluation by the State Board of Education as needed to determine compliance with Section 14-7.02 of The School Code and this Part. Records of the same nature required by other state or federal agencies may also be a part of this file.

Section 401.120 Staff Requirements

a) The composition and qualifications of the nonpublic facility professional staff shall be in accordance with the needs and requirements of the categories of handicapped students enrolled in the nonpublic facility under Section 14-7.02 of The School Code.

1) At least twenty-five percent of the nonpublic facility professional staff who provide direct instructional services or who are directly involved in the development and implementation of instructional services, shall be composed of persons with a minimum of a bachelors degree in one or more areas necessary to serve the handicapped student population, and who are state certified in their field of competency. Documentation of this certification shall be available in staff folders as required in Section 401.110(a)(3), provided to the State Board of Education with the application for eligibility under Section 401.10 of this Part, and kept updated as required under Section 401.30(e).

2) Professional support personnel shall be properly certified, registered or licensed in their field of competency. Documentation of this certification, registration or licensure shall be available in staff folders as required in Section 401.110(a)(3), provided to the State Board of Education with the application for eligibility under Section 401.10 of this Part; and kept updated as required under Section 401.30(e).

3) Administrative certification, other than in the area of Special Education, shall not be used to fulfill the 25% requirement of certified instructional staff.

4) Professional support personnel employed full or part time on a contractual basis (such as psychologists, social workers, vocational rehabilitation personnel, speech therapists, related service personnel or degreed personnel in the area of behavioral science,) that are necessary to meet direct, definable instructional needs of a particular population of handicapped students, may be counted as staff in the 25% requirement of certified instructional staff in

direct ratio to the consistent amount of time actually spent in the instructional program with handicapped students enrolled in the nonpublic facility (e.g. a professional staff member employed full time for five days a week is equal to one person; for one full day per week, one-fifth person; for one full day per month, one-twentieth person; twice in a school year, 2/176th of a person, etc.)

5) Professional support services provided by community facilities or other agencies, unless specifically contracted for on a consistent basis, shall not be counted to fulfill the 25% requirement of certified instructional staff.

6) Each full time professional staff member holding a two-year degree from a community college or the equivalent education from a college or university in a child related field or in areas that meet specific needs of the handicapped student population served by a nonpublic facility, may be counted as one-fourth of a staff member in computing the 25% requirement of certified instructional staff.

7) The provisions of Section 401.120(a)(1) shall not be solely fulfilled under Section 401.120 (a) (4), (a) (5) and (a) (6), or any combination of these paragraphs. Computation to document compliance with this Part shall be provided to the State Board of Education with the application for eligibility required under Section 401.10 of this Part.

8) Requests for a deviation from any portion of this Section shall be made to the State Board of Education with the application for eligibility required under Section 401.10 of this Part, or at any time the composition of the staff may reflect noncompliance, with a rationale for alternatives fully documented. The State Board of Education will consider such requests in accordance with the needs and requirements of the handicapped students enrolled in the nonpublic facility.

b) Job descriptions, specific to each staff member involved in instructional services at all levels, shall

be developed, updated as the individual staff member's job changes, and retained in the administrative staff records as required by Section 401.110(a)(1) to document compliance.

c) The nonpublic facility shall be responsible for developing and implementing a viable, ongoing inservice training program for all staff.

1) Training sessions shall be planned and designed to assist and improve staff ability to fulfill duties as defined in job descriptions and as necessary to educate the student population served.

2) Accurate written and dated records of the content and purpose of all staff training sessions shall be maintained to document compliance as required by Section 401.110(b).

d) An initial physical examination and evidence of freedom from tuberculosis shall be required upon the employment of any person. Records shall be maintained as required by Section 401.110(a)(2) to document compliance.

e) The nonpublic facility staff shall include sufficient support personnel to assist the professional staff and provide assurance that handicapped students enrolled in the nonpublic facility under Section 14-7.02 of The School Code shall receive the instruction and services required under this Part and in the contractual agreement required under Section 401.60(c).

Section 401.130 Instructional Program

a) Each instructional program shall accurately reflect the written program and curriculum description required in Section 401.30(a) of this Part.

b) There shall be a general daily/weekly schedule of the program available for each small group and/or classroom, that identifies the overall activities regularly conducted during a total school day. This schedule shall indicate the day of the week, the time, and the length of all indicated activities.

c) There shall be an educational file maintained for each handicapped student that shall be readily accessible to

the classroom teacher on a daily basis. This file shall contain:

1) Specific prioritized daily or weekly definable instructional objectives.

2) A description of all activities directly related to these objectives.

3) A list of instructional materials and equipment utilized to assist in fulfilling these objectives.

4) A written consistent evaluation procedure that indicates progress toward fulfillment of the objectives according to the identified needs of the handicapped student.

5) A schedule of all support services received that accurately reflect the type and frequency of such services.

6) The student's individualized educational program for special education and related services. (See 23 Ill. Adm. Code 226, Special Education). All materials in the educational file shall be current, consistently updated, and directly related to the individualized educational plans and goals on file in the student record.

7) Files as required in Section 401.100(a)(3) of this Part.

d) Materials and equipment appropriate for the planned program of the individual handicapped student shall be provided and in sufficient quantity.

e) Professional supportive services required by the exceptionalities of the population served, shall be available on a consistent basis and provided according to the individual needs of each handicapped student.

Section 401.140 Fiscal Responsibility

a) The nonpublic facility shall maintain adequate fiscal records for programs with handicapped students enrolled under Section 14-7.02 of The School Code; so that upon an annual audit or at any time requested by the State Board of Education, they will clearly identify that

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NOTICE OF PROPOSED REPEALER

monies received by the nonpublic facility from public school districts under Section 14-7.02 of The School Code on behalf of a handicapped student placed in the nonpublic facility, have been expended for the instructional program in which the handicapped student is enrolled.

b) An annual audit of such fiscal records shall be made in accordance with generally accepted accounting principles by an independent certified public accountant, and a copy shall be filed with the Nonpublic School Approval Section of the State Board of Education.

c) Fiscal records shall be on file for inspection by the State Board of Education for at least three (3) years. If there are outstanding audit exceptions, the fiscal records shall be retained until these exceptions are closed out.

d) The nonpublic facility shall maintain and submit all fiscal and statistical reports as required by the Governor's Purchased Care Review Board.

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Nonpublic Special Education Facilities

2) Code Citation: 23 Ill. Adm. Code 401

3)

Section Numbers:	Proposed Action:
401.10	New Section
401.20	New Section
401.30	New Section
401.110	New Section
401.120	New Section
401.130	New Section
401.140	New Section
401.150	New Section
401.210	New Section
401.220	New Section
401.230	New Section
401.240	New Section
401.250	New Section
401.260	New Section
401.270	New Section
401.280	New Section

4) Statutory Authority: 105 ILCS 5/14-7.02.

5) A Complete Description of the Subjects and Issues Involved:

These rules are being proposed to replace existing rules on the same subject. The new Part has been developed to strengthen the standards which nonpublic special education facilities must meet, so that they will be comparable to those applicable to public school special education programs. For example, applicable requirements for certification and licensure will be phased in for all affected staff members over the next two school years; a time limit will be set for replacing professional personnel who leave an approved program; out-of-state facilities will have to demonstrate licensure or approval by authorities in the states where they are located; a new conditional approval status will be established; and each facility will be required to adopt a policy and procedures designed to safeguard students' privacy.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

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8) Does this proposed rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

In addition, two public hearings will be held. The dates, times, and locations are set forth in a notice which appears in this issue.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 17, 1994.
B) Types of small businesses affected: Nonpublic facilities contracting with Illinois public school districts to serve students with disabilities.
C) Reporting, bookkeeping or other procedures required for compliance: Affected schools must keep accurate and up-to-date records regarding personnel, students, programs, and services.
D) Types of professional skills necessary for compliance: Facilities affected must employ administrators and professional special education staff appropriate to the student population(s) they apply to serve.

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
NONPUBLIC SPECIAL EDUCATION FACILITIES

SUBPART A: APPROVAL OF NONPUBLIC FACILITIES

Section
401.10 Application for Eligibility
401.20 Notification Requirements
401.30 Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section
401.110 Use by School Districts
401.120 Placement Procedures
401.130 Operating Schedule
401.140 Provision of Instructional Program
401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section
401.210 General Requirements
401.220 Health and Safety Requirements
401.230 Student Progress Reports and Reviews
401.240 Staffing Requirements
401.250 Staff Training
401.260 Staff Records
401.270 Student Records
401.280 Fiscal Provisions

AUTHORITY: Implementing and authorized by Section 14-7.02 of the School Code [105 ILCS 5/14-7.02].

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at __ Ill. Reg. _____, effective _____.

SUBPART A: APPROVAL OF NONPUBLIC FACILITIES

Section 401.10 Application for Eligibility

Each nonpublic facility seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] shall be subject to the approval process described in this Section. The requirements of this Part shall also apply to the use of nonpublic facilities by public school districts pursuant to Section 14-7.03a of the School Code.

a) An application for initial approval of the facility's educational program and/or its residential program, presented on forms supplied by the State Board of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Board. Each application shall include:

1) An accurate, written description of each special education program offered by the nonpublic facility, which shall indicate in educational terms the categories and ages of students with disabilities for whom it is specifically intended.

2) A written plan for the educational administration and organization of the nonpublic facility, including but not limited to:

A) The stated purpose and scope of the nonpublic facility;

B) A plan for the allocation of space solely for special education purposes during the school day; and

C) An organizational chart that reflects the governance, administrative, and educational structures of the nonpublic facility.

3) The facility's proposed calendar for the school year for which approval is sought, setting forth an operating schedule providing for at least 176 days of planned instructional programming for each student, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of planned instructional programming for each student.

4) A copy of the State Fire Marshal's most recent inspection report, which shall be no more than 24 months old at the time of application and shall indicate no violations, or, for an out-of-state facility, equivalent, current documentation of compliance with applicable state or local fire codes, clearly identifying the issuing authority.

5) Assurances, signed by the facility's chief administrator, conveying such information as the State Board of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations.

6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the Department of Children and Family Services, the Department of Mental Health and Developmental Disabilities, or the Department of Public Health, as applicable.

7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential program(s) in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.

8) Summary information about all administrators and professional staff members, with copies of their relevant credentials, which shall meet the requirements of Section 401.240 of this Part;

9) Summaries of related services currently provided in the facility's programs.

10) A copy of the facility's policy and procedures for safeguarding students' privacy and dignity, as required by Section 401.220(b) of this Part.

b) If the application is complete, State Board staff or, in the case of an out-of-state facility, a designee shall visit and evaluate the facility for the purpose of verifying the accuracy of the application, evaluating the facility's conformance with the other

requirements of this Part, and recommending approval or disapproval of its eligibility for use by public school districts.

c) A facility determined not to be in compliance with the requirements of this Part shall be ineligible to contract with school districts to serve students with disabilities under Section 14-7.02 of the School Code.

d) A facility determined to comply with the requirements of this Part shall be designated as "Approved" and shall be eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved by the Manager of the School Approval Section. The State Board staff shall notify the facility of the date its eligibility begins.

1) Such eligibility shall end on the last day of the facility's approved calendar for the school year in question, unless approval is withdrawn earlier pursuant to Section 401.30 of this Part.

2) A facility shall be eligible to serve only the specific student population(s) described in its approved application.

e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent year in which a facility seeks to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the next business day. The approval process for any such subsequent year may also involve site visits, at the sole discretion of the State Board of Education.

f) Nonapproval of a facility during a school year shall be cause for termination of all that facility's contracts with Illinois school districts, and such a facility shall be ineligible to contract with Illinois school districts for the remainder of the school year in question.

Section 401.20 Notification Requirements

a) A nonpublic facility approved pursuant to the provisions of this Part which intends to cease operations or to discontinue any of its approved programs shall ensure that the State Board of Education and each affected school district receive no less than 60 calendar days' written notice of such an intention.

b) An approved nonpublic facility shall also notify the State Board of Education in writing, so that such notification is received at the State Board's office at 100 North First Street, Springfield, Illinois 62777, within five calendar days, of:

1) Any change in a special education program described in its approved application;

2) Any change in its educational administration and organization, as described in its approved application;

3) Any change in the facility's compliance with applicable fire prevention regulations or other federal, state, and local laws, ordiances, or regulations, as described in its approved application, or in the physical facilities used;

4) Any change in the facility's approval or licensure to provide a residential program as described in its approved application, if applicable;

5) Any change in the facility's approval or licensure to operate in a state other than Illinois as described in its approved application, if applicable.

6) Any change in the administrative or professional staff whose credentials were submitted to the State Board as part of the facility's application for approval.

A) If any administrative or staff position subject to the notification requirements of this Section remains vacant, the nonpublic facility must provide written notification to the State Board after 30 calendar days and again after 60 calendar days of its attempts

to replace such staff member(s) and of other efforts, including the use of substitutes, undertaken in order to provide necessary instruction and related services to the students enrolled.

B) If the State Board determines that a facility has operated for more than 60 consecutive calendar days without required staff and/or that the facility has not reported staffing changes as required, the State Board shall change the approval status of the facility accordingly, pursuant to the provisions of Section 401.30 of this Part.

Section 401.30 Changes in Approval Status

Nonpublic facilities approved as eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code shall be evaluated periodically by the State Board of Education. Such evaluation may take place for any reason, with or without prior notice to the facility, and at the sole discretion of the State Board of Education and may or may not involve a site visit. Such evaluation shall result in retention or assignment of one of the following statuses.

a) A status of "Approved" shall be assigned to or retained by a nonpublic facility that has undergone an evaluation by the State Board of Education and has been found to be in compliance with the requirements of this Part.

b) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved facility is first identified during a school year and the State Board determines that such noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The facility shall have 60 days to remedy the noncompliance.

1) No more than 30 calendar days after notification that it is approved with administrative review, an affected facility shall file with the State Board of Education a progress report describing actions taken to correct the instance(s) of noncompliance identified.

2) If the State Board determines that the nonpublic facility has corrected the instances of noncompliance within the time allotted, its "Approved" status shall be restored.

3) If the State Board determines that the nonpublic facility has failed to correct the instances of noncompliance within the time allotted, the facility shall not accept any new placements of students from public school districts, nor shall it be approved for the next school year unless the noncompliance has been corrected.

c) A status of "Pending Further Review" shall be assigned whenever a facility is determined to be in noncompliance with one or more requirements of this Part which may substantially affect the safety of or provision of appropriate education to students but which does not constitute imminent danger, or exhibits recurrent instances of minor noncompliance. The facility shall have 30 days to remedy the noncompliance.

1) No more than seven calendar days after notification that its approval status is pending further review, an affected facility shall report to the State Board of Education its plans for correcting the noncompliance identified and the actions taken to correct it.

2) If the facility demonstrates that it has corrected the instances of noncompliance within the time allotted, its "Approved" status shall be restored.

3) If the facility fails to demonstrate that it has corrected the instances of noncompliance within the time allotted, its status shall be changed to "Nonapproved."

4) A nonpublic facility shall not accept any new placements of students from public school districts while its status is "Pending Further Review."

d) A status of "Nonapproved" shall be assigned to a nonpublic facility exhibiting substantial and/or recurrent instances of noncompliance, showing that the

facility is consistently unable to meet the approval requirements of this Part. A facility may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review," if it exhibits instances of noncompliance which present imminent danger to the students present or if the State Board is notified by a school district that the facility has unilaterally ceased providing appropriate education pursuant to the school district's contract and one or more students' IEPs.

1) A status of "Nonapproved" voids the facility's eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code for the remainder of that school year.

2) Facilities shall be given five business days' notice by the State Board before nonapproval becomes effective, unless imminent danger to students precludes such notice. The State Board shall also give five business days' notice to affected school districts so they may make other arrangements.

e) Any facility whose license or approval to operate a residential program is revoked shall immediately become nonapproved and ineligible to provide residential services to students under Section 14-7.02 of the School Code.

f) Any out-of-state facility whose license or approval to operate a special education program is revoked by the responsible authority in the state where it is located shall immediately become nonapproved and ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code.

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.110 Use by School Districts

Each school district shall be responsible for monitoring the performance of each nonpublic facility where its students are placed, to ensure that the implementation of each student's Individualized Educational Program (IEP) conforms to the applicable requirements of 23 Ill. Adm. Code 226 (Special

Education). In addition, no school district shall place any student in a nonpublic special education program, nor shall any such program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met.

a) The program has been approved by the State Board of Education for the school year for which placement is sought.

b) The Governor's Purchased Care Review Board has established allowable costs for the program.

c) The individual student's residential placement, if applicable, has been reviewed by the State Board of Education and approved for purposes of reimbursement.

d) The program has been approved by the State Board of Education for the student's primary and secondary disabilities.

e) The program has been approved by the State Board of Education for the age range that includes the age of the student.

f) All educational programming and related services specified on the student's IEP can be provided by the facility.

g) The district and the facility have entered into the contractual agreement called for in 23 Ill. Adm. Code 226.440.

Section 401.120 Placement Procedures

Placement of students shall conform to the applicable requirements of 23 Ill. Adm. Code 226, Subparts H and I.

Section 401.130 Operating Schedule

Each nonpublic facility's operating schedule shall ensure that the requirements of Section 10-19 of the School Code [105 ILCS 5/10-19] are met.

Section 401.140 Provision of Instructional Program

Each instructional program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226, Subpart D.

Section 401.150 Classroom Records

In addition to records meeting the requirements of 23 Ill. Adm. Code 226.135, there shall be an educational file for each student, maintained by the classroom teacher on a daily basis and updated as circumstances may require. This file shall contain at least the following:

a) The student's IEP, including a copy of any behavior management plan;

b) Documentation of ongoing evaluation procedures, indicating the student's progress toward fulfillment of the objectives set forth in the IEP according to the criteria specified therein;

c) A schedule that accurately reflects the type and frequency of all related services received;

d) Medically related information necessary to ensure the student's health and safety.

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.210 General Requirements

a) Every facility subject to this Part shall maintain the written program descriptions and the educational administration and organization plans described in Section 401.10 of this Part and shall make these available to the public schools, parents and guardians of students, and other interested individuals and organizations upon request.

b) Every facility subject to this Part shall maintain copies of this Part and the State Board's rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties may be aware of rules that pertain to the education of students with disabilities served in nonpublic facilities under Section 14-7.02 of the School Code.

c) Every facility subject to this Part shall maintain a separate and current roster of students served there pursuant to Section 14-7.02 of the School Code.

d) Every facility subject to this Part shall maintain records of and report changes in its administration, staff, instructional programs, and physical facilities, as required pursuant to Section 401.20 of this Part.

e) All facilities, programs, and records required, established, or maintained pursuant to this Part shall be made available by the nonpublic facility at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

Section 401.220 Health and Safety Requirements

a) Every facility subject to this Part shall maintain and make available for review a copy of the most recent inspection report issued by the State Fire Marshal, if the facility is located in Illinois. Out-of-state facilities shall maintain and make available evidence of compliance with applicable state or local fire, building, and health codes. Any such documentation shall clearly identify the issuing authority.

b) Every facility subject to this Part shall develop a written policy and procedures for safeguarding students' privacy and dignity during toileting, diapering, and other activities of personal care, as appropriate for the student population served. Facility staff shall adhere to such policy and procedures at all times and shall make copies available upon request.

c) Every facility subject to this Part shall develop a written policy addressing the administration of medication to students who may require it. Facility staff shall adhere to this policy at all times and shall make copies available upon request.

d) Every facility subject to this Part and all materials used by students shall be maintained in a clean, sanitary, and safe condition.

e) Smoking and the use of tobacco products by students shall not be permitted on the campus of any facility subject to this Part.

f) Every facility subject to this Part shall allow visitation at any time, with or without prior notice,

by personnel from the State Board of Education or the school district of residence of any enrolled student, for the purpose of determining appropriateness of a placement, observing the program, or evaluating a student.

Section 401.230 Student Progress Reports and Reviews

a) Each facility shall maintain attendance records for each student served pursuant to Section 14-7.02 of the School Code.

1) Each student's attendance shall be reported in writing to the public school district of residence by the 15th of each month for the preceding month.

2) A student's public school district of residence shall be notified immediately in writing after five consecutive days of unexcused absence.

3) Attendance records shall be retained as long as the student is placed at the facility.

b) Each student's progress shall be reviewed with his or her parent or guardian and school district of residence in accordance with 23 Ill. Adm. Code 226, Subparts H and I.

Section 401.240 Staffing Requirements

a) The composition and qualifications of each nonpublic facility's professional staff shall be in accordance with the needs and requirements of the categories of students with disabilities placed under Section 14-7.02 of the School Code. Each facility subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the requirements of 23 Ill. Adm. Code 226.225.

b) For the 1995-96 school year, at least 67 percent of the professional staff members who provide direct instructional services or who are directly involved in the development and implementation of instructional and related services shall be certified, licensed, or registered in accordance with the requirements of 23 Ill. Adm. Code 226, Subpart L.

1) Related service personnel employed full- or part-time on a contractual basis that are necessary to meet the direct, definable needs for related services of a particular population of students may be counted as staff fulfilling the 67 percent requirement in direct proportion to the amount of time they consistently spend in the special education program. (For example, a professional staff member employed full-time for five days a week is one full-time equivalent (FTE) person; for one full day per week, one-fifth FTE; for one full day per month, one-twentieth FTE; twice in a school year, 2/176 FTE; etc.)

2) Time spent in the provision of related services by staff of community facilities or other agencies may be counted toward fulfilling the 67 percent requirement only if specifically contracted for on a consistent, recurrent basis.

c) For school years beginning on or after September 1, 1996, the qualification requirements set forth in subsection (b) above shall become applicable to 100% of each nonpublic facility's professional staff.

d) Substitute teachers holding valid special certificates, special education approvals, or substitute certificates shall be employed to replace absent teachers. Substitute teachers may not be used to fill positions of required certificated personnel to begin a school year.

e) Nonpublic facilities located outside Illinois shall employ personnel who possess the specific certificates, licenses, or registrations comparable to those issued in Illinois in connection with the positions in question.

Section 401.250 Staff Training

Each nonpublic facility subject to this Part shall develop and implement ongoing inservice training programs related to the duties of all staff.

a) Training sessions shall be planned and designed to assist staff members in improving their ability to fulfill their duties as defined in their job

descriptions, as necessary to educate the student population served.

b) As appropriate to the student population served, each facility shall provide specific training to all personnel, including but not limited to:

1) the facility's policy and procedures regarding the maintenance of student privacy and dignity;

2) disposal of hazardous waste materials;

3) procedures for preventing the transmission of blood-borne pathogens;

4) the use of physical restraint;

5) behavior management procedures; and

6) the administration of medication.

c) Each facility shall provide training to all assistants and aides before they assume their duties.

d) Each facility shall maintain accurate, written and dated records of all training provided, as described in Section 401.260 of this Part.

Section 401.260 Staff Records

a) Facilities subject to this Part shall maintain a separate, current record for each staff member employed either full-time or part-time who provides direct services or who is directly involved in the development and implementation of instructional and related services for students enrolled under Section 14-7.02 of the School Code. All staff files shall be available on site for inspection by representatives of the State Board of Education and placing public school districts and shall include the following:

1) Individual job descriptions which reflect the duties to be performed and the qualifications required and which are updated as this information changes;

2) Reports of initial physical examinations, records indicating freedom from tuberculosis, and reports

of such subsequent medical examinations as may be required by the facility;

3) Copies of high school, college, or university transcripts indicating graduation, degrees, or special training or education completed, and/or copies of state certificates, licenses, or registrations, as applicable to the individual staff member and position;

4) Copies of the criminal background investigation reports completed for all personnel pursuant to Section 10-21.9 of the School Code [105 ILCS 5/10-21.9];

5) Records of the transmission of all criminal background investigation reports to each public school district currently contracting with the nonpublic facility.

b) Each facility shall maintain a separate file containing a record of all inservice training. This file shall be available for inspection and shall include at least the following:

1) Records of initial orientation and training for new staff members, showing that each received training appropriate to the position held at the site;

2) The agenda of each formal staff training session conducted at the facility, showing the date(s) and amount of time used;

3) Records of seminars, conferences, lectures, and other training events attended by staff members off the facility's premises;

4) Records of ongoing training offered as a part of the assignment of professional support personnel; and

5) The signatures of the staff members who attended each session or event referred to in subsections (1) through (4) above.

c) The training file referred to in subsection (b) above may also contain such similar records as may be required by other state or federal agencies.

Section 401.270 Student Records

a) Each facility subject to this Part shall maintain a separate student record file for each student served under Section 14-7.02 of the School Code. Such files shall be maintained in a central location on the premises of the facility. Each student's file shall contain the information listed below, or the information shall be made readily accessible for inspection.

1) Documentation of the date of the student's most recent enrollment in the program in question under Section 14-7.02 of the School Code.

2) Copies of all reports used by the public school district of residence as part of the student's most recent case study evaluation, including a copy of the case study evaluation report.

3) A complete, individual contract form executed by the school district which placed the student.

4) The student's current IEP developed for the nonpublic placement in accordance with 23 Ill. Adm. Code 226.560.

5) Accurate, current attendance records, and evidence that the student's attendance has been reported to the public school district of residence as required by Section 401.230 of this Part.

6) Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230 of this Part.

7) Copies of all progress reports to the public school district of residence.

8) Copies of all progress reports to parents.

9) Termination records, if applicable.

b) All material in the student record file shall be signed as required, dated, and placed in chronological order for the purpose of inspection and evaluation by representatives of the State Board of Education and the public school district of the student's residence.

c) The record of a student enrolled in a facility subject to this Part pursuant to Section 14-7.02 of the School Code shall be the property of the student's public school district of residence and shall be subject to the policies and procedures established by that school district to govern school student records and to the provisions of the Illinois School Student Records Act [105 ILCS 10/1 et seq.] regarding confidentiality of such records.

d) When a student is no longer served in a nonpublic facility for any reason, and regardless of any monetary amount due to the nonpublic facility from the public school district that placed the student, all the student's records shall be returned or provided to the district within 30 calendar days, and the facility shall maintain a record of having returned them. The records to be returned include, but are not limited to:

1) The temporary public school records that were provided by the district at the time of the student's placement.

2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including:

A) Records of behavior management plans; and

B) Records of all psychological and social work and any therapeutic tests related to goals and objectives included in the student's IEP.

3) A transcript of any academic credits earned while the student was served at the nonpublic facility.

4) Records of the student's attendance while served at the nonpublic facility.

Section 401.280 Fiscal Provisions

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

a) Tuition charged a public school district by a nonpublic facility for the term specified in an individual student's placement agreement shall conform to the requirements of Section 14-7.02 of the School Code and shall not exceed the allowable costs approved by the Governor's Purchased Care Review Board.

b) A status of "Nonapproved" shall be assigned to any facility which has not accepted the allowable costs approved by the Governor's Purchased Care Review Board within 60 days after their approval by the Review Board or within 60 days after approval of the facility's application for eligibility by the State Board of Education, whichever occurs later.

c) The tuition charge for all disabled students served in a facility less than full-time shall be prorated according to the percentage of the time the students are actually served in the program.

d) Nonpublic facilities shall not charge parents for special education, related services, or room and board provided to students placed by Illinois public school districts.

e) Nothing in this Part shall be construed as prohibiting a facility from contracting with any local school district for individual student services, transportation, diagnosis and evaluation, or other services which are not included in the determination of allowable costs.

1) Contracts for any such services must be separate from individual placement agreements.

2) All costs and revenues resulting from such contracts must be reported to the Governor's Purchased Care Review Board.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Program Accounting Manual

2) Code Citation: 23 Ill. Adm. Code 110

3) Section Numbers: 110.15 — Proposed Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, and 2-3.28

5) A Complete Description of the Subjects and Issues Involved: These amendments are being made to establish administrative procedures that result from the reorganization of the delivery of intermediate services (Sections 3A-4, 3A-16, and 3A-17 of the School Code [105 ILCS 5/3A-4, 3A-16, and 3A-17]). These rules also strengthen fiscal accountability for these newly established service areas.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCE

PART 110
PROGRAM ACCOUNTING MANUAL

Section
110.10 Use of this Manual
110.20 Fund Accounting
110.25 Transfer of Interest to Other Funds
110.30 Balance Sheet Accounting
110.40 Revenue Accounting
110.50 Expenditure Accounting
110.60 Criteria for Cost Identification
110.70 Account Classification Summary
110.80 Transaction Codes
110.90 State Reporting Requirements
110.100 Budgeting
110.110 Audit Requirements
110.115 ~~Educational Service Region Audit~~ Regional Offices of Education
110.120 Supplies and Equipment
110.125 Revolving/Imprest Fund
110.135 Petty Cash Fund

110.TABLE A EXPLANATION OF FUNDS
110.TABLE B DEFINITIONS OF BALANCE SHEET ACCOUNTS
110.TABLE C DEFINITIONS OF REVENUE CLASSIFICATIONS
110.TABLE D DEFINITIONS OF EXPENDITURE DIMENSIONS

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28 and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, and 34-43.1].

SOURCE: Adopted at 10 Ill. Reg. 20508, effective December 2, 1986; amended at 13 Ill. Reg. 7610, effective May 4, 1989; amended at 14 Ill. Reg. 20608, effective December 14, 1990; amended at 18 Ill. Reg. 5178, effective March 22, 1994; amended at __ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 110.115 ~~Educational Service Region Audit~~ Regional Offices of Education

This Section specifies the rules needed to implement the requirements of Section 2-3.17a, 2-3.62, 3-12, 3A-16, and 3A-17 of the School Code ~~(Ill. Rev. Stat. 1991, ch. 122, par. 2-3.17a)~~ [105 ILCS 5/2-3.17a, 2-3.62, 3-12, 3A-16, and 3A-17].

a) "Books and records" as used in this Section means all financial statements, fiscal documents, vouchers for distributions, records of cash receipts, records of obligation and expenditure of funds, records of accounts and funds, journals, ledgers and subsidiary records thereof, computer programs and data files integral to records of such funds and accounts as are in the care, custody or control of the regional superintendent of schools, and as are required for the purpose of enabling the State Board of Education to perform the audits required by Section 2-3.17a of the School Code~~.~~ and for the review, approval and reporting requirements of Sections 2-3.62, 3-12, 3A-16, and 3A-17 of the School Code. The Regional Office of Education shall maintain records in accordance with this Part as applicable. Financial records shall be maintained on either a cash or accrual basis of accounting. However, supporting information must be maintained to allow preparation of an accrual statement as required in subsection (b) below.

b) For audit purposes each regional ~~superintendent of schools~~ office of education shall make available to the State Board of Education or its agent all books and records during regular business hours on such days in each fiscal year as the State Board of Education or its designated agents shall deem necessary to make and complete the required audits. Such records shall be completed in auditable form by August 15 of the succeeding fiscal year. Financial reports are to be available no later than August 31 in order that the annual audit may be done by an independent auditor as selected by the State Board of Education. Annual Financial Statements are to be prepared on an accrual basis of accounting on forms prescribed by the State Board of Education no later than November 15. For reasonable cause, extensions may be granted by the State Board of Education.

c) Each regional ~~superintendent of schools~~ office of education shall make available the books and records necessary to make the required audit by providing to the State Board of Education or its agent full,

complete and unrestricted access to such books and records and to such person or persons who may have prepared, reviewed, reported on or otherwise have knowledge of them.

d) Each regional ~~superintendent of schools~~ office of education shall retain all books and records for a period of five years or until each required audit is resolved. This provision shall not be construed to shorten any record retention requirement otherwise applicable to such records.

e) A presentation of the annual audit will be given to the Regional Office of Education Oversight Board at the next regularly scheduled meeting following completion of the audit.

f) Fees for conferences, workshops, materials and other costs charged for discretionary activities not required by law or rule are to be determined on a cost-recovery basis. Excess funds resulting from registrations or requests for materials/services beyond the anticipated cost-recovery basis shall be deposited in an enterprise fund to be used solely to reduce the cost of similar items or to cover costs incurred due to less-than-anticipated registrations or requests for materials/services.

(Source: Amended at __ Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Regional Oversight Boards and Intermediate Services

2) Code Citation: 23 Ill. Adm. Code 525

3)

Section Numbers:	Proposed Action:
525.10	New Section
525.20	New Section
525.30	New Section
525.40	New Section
525.50	New Section
525.60	New Section
525.100	New Section
525.110	New Section
525.120	New Section
525.130	New Section
525.140	New Section
525.150	New Section
525.160	New Section

4) Statutory Authority: 105 ILCS 5/2-3.62, 3A-16, and 3A-17

5) A Complete Description of the Subjects and Issues Involved: The proposed rules for Regional Oversight Boards and Intermediate Services would implement the provisions of Section 2-3.62 of the School Code [105 ILCS 5/2-3.62] that abolish the Educational Service Centers for areas outside of Cook County and transfer responsibility for the delivery of Educational Service Center (ESC) services and programs to the Oversight Boards of the Regional Offices of Education created by Sections 3A-16 and 3A-17 of the School Code [105 ILCS 5/3A-16 and 3A-17].

The rules describe who is eligible to serve on the 45 Oversight Boards that serve all areas of the state except the city of Chicago. They also provide a process for selecting the members of the Oversight Boards. That selection process will be coordinated by each region's Regional Superintendent of Education.

Since the law does not abolish the three ESCs in suburban Cook County, but does create a regional Oversight Board for the delivery of ESC services in suburban Cook County, these rules set forth the relationship between the three existing Educational Service Centers (now to be called Intermediate Service Centers) and their Governing Boards and the Cook County Oversight Board.

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The rules also contain provisions regarding the city of Chicago Education Service Center, which will be called the Chicago Intermediate Service Center. These provisions are essentially identical to those currently in effect for Educational Service Centers.

Finally, these rules enumerate the types of services and programs to be provided by the Regional Offices of Education under the direction of the Oversight Boards; specify components of the annual Regional Improvement Plan to be developed by each Regional Office; and outline the grant application format, the basis upon which grants will be awarded, how funds will be allocated, and evaluation and fiscal procedures.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rules contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 525
REGIONAL OVERSIGHT BOARDS AND INTERMEDIATE SERVICES

SUBPART A: OVERSIGHT BOARDS FOR THE REGIONAL OFFICES OF EDUCATION

Section
525.10 Oversight Boards
525.20 Purpose
525.30 Membership and Selection
525.40 Duties
525.50 Intermediate Service Centers in Cook County Outside the City of Chicago
525.60 City of Chicago Intermediate Service Center

SUBPART B: PROGRAM ADMINISTRATION AND EVALUATION

Section
525.100 Role of Chief Administrator
525.110 Programs and Services to be Provided
525.120 Regional Improvement Plan
525.130 Grant Application
525.140 Program Evaluation Standards and Procedures
525.150 Allocation of Funds
525.160 Fiscal Procedures

AUTHORITY: Implementing and authorized by Sections 2-3.62, 3A-16, and 3A-17 of the School Code [105 ILCS 5/2-3.62, 3A-16, and 3A-17].

SOURCE: Adopted at __ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: OVERSIGHT BOARDS
FOR THE REGIONAL OFFICES OF EDUCATION

Section 525.10 Oversight Boards

a) Beginning on the first Monday of August 1995, each of the 45 Regional Offices of Education established pursuant to Section 3A-4 of the School Code [105 ILCS

STATE BOARD OF EDUCATION

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5/3A-4] shall have an Oversight Board to carry out the duties and programs specified in Sections 3A-16 and 3A-17 of the School Code [105 ILCS 5/3A-16 and 3A-17] and Sections 525.40 and 525.110 of this Part. The county(ies) comprising each of these offices are as follows:

1) Adams and Pike counties
2) Alexander, Johnson, Massac, Pulaski, and Union counties
3) Bond, Effingham, and Fayette counties
4) Boone and Winnebago counties
5) Brown, Cass, Morgan, and Scott counties
6) Bureau, Henry, and Stark counties
7) Calhoun, Greene, Jersey, and Macoupin counties
8) Carroll, JoDaviess, and Stephenson counties
9) Champaign and Ford counties
10) Christian and Montgomery counties
11) Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, and Shelby counties
12) Clay, Crawford, Jasper, Lawrence, and Richland counties
13) Clinton, Marion, and Washington counties
14) Cook County, excluding the city of Chicago
15) DeKalb County
16) DeWitt, Livingston, and McLean counties
17) DuPage County
18) Edwards, Gallatin, Hardin, Pope, Saline, Wabash, Wayne, and White counties
19) Franklin and Williamson counties
20) Fulton and Schuyler counties
21) Grundy and Kendall counties
22) Hamilton and Jefferson counties
23) Hancock and McDonough counties
24) Henderson, Mercer, and Warren counties
25) Iroquois and Kankakee counties
26) Jackson and Perry counties
27) Kane County
28) Knox County
29) Lake County
30) LaSalle County
31) Lee and Ogle counties
32) Logan, Mason, and Menard counties
33) Macon and Piatt counties
34) Madison County
35) Marshall, Putnam, and Woodford counties
36) McHenry County
37) Monroe and Randolph counties

38) Peoria County
39) Rock Island County
40) St. Clair County
41) Sangamon County
42) Tazewell County
43) Vermilion County
44) Whiteside County
45) Will County

b) That portion of Cook County outside of the city of Chicago will constitute a Regional Office of Education (Section 3A-1 of the School Code [105 ILCS 5/3A-1]). The Oversight Board shall be responsible for the duties and programs specified in Section 3A-17 of the School Code and administered through the following Intermediate Service Centers:

1) North Cook, including the area within the territorial boundaries of the following high school districts:

A) Evanston Township High School District 202
B) New Trier Township High School District 203
C) Maine Township High School District 207
D) Township High School District 211
E) Township High School District 214
F) Niles Township Community High School District 219
G) Northfield Township High School District 225

2) West Cook, including the area within the territorial boundaries of the following high school districts:

A) Oak Park and River Forest High School District 200
B) J. S. Morton High School District 201
C) Lyons Township High School District 204
D) Riverside Brookfield Township High School District 208
E) Proviso Township High School District 209
F) Leyden Community High School District 212
G) Ridgewood Community High School District 234
H) Elmwood Park Community Unit District 401

3) South Cook, including the area within the territorial boundaries of the following high school districts:

A) Thornton Township High School District 205
B) Bloom Township High School District 206
C) Lemont Township High School District 210
D) Thornton Fractional Township High School District 215
E) Argo Community High School District 217
F) Community High School District 218
G) Reavis Township High School District 220
H) Rich Township High School District 227
I) Bremen Community High School District 228
J) Oak Lawn Community High School District 229
K) Consolidated High School District 230
L) Evergreen Park Community High School District 231
M) Homewood Flossmoor Community High School District 233

c) There will be no Regional Office of Education in the city of Chicago; however, the Intermediate Service Center serving Chicago School District #299 will remain and operate in accordance with Section 525.60 of this Part.

Section 525.20 Purpose

For each Regional Office of Education there shall be established an Oversight Board to OVERSEE THE PLANNING AND DELIVERY OF PROGRAMS AND SERVICES UNDER SECTION 2-3.62 OF THE SCHOOL CODE AND OTHER PROGRAMS AS MAY BE ASSIGNED AND TO ADVISE THE REGIONAL SUPERINTENDENT OF SCHOOLS (Sections 3A-16 and 3A-17 of the School Code). The following activities and responsibilities must be incorporated into each Board's regional improvement plan developed in accordance with Section 525.120 of this Part for delivery of services through the Regional Offices of Education:

a) Inservice training and staff development opportunities to improve the knowledge and skills of educators and support the school improvement process called for in Subpart A of the rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1.Subpart A);

b) School improvement services as delineated in Section 525.110 of this Part;

c) Coordination and communication of information and research relating to school improvement;

d) Regional delivery of federal and/or state-supported programs and services in education, as authorized in Section 2-3.62 of the School Code and as directed by the State Superintendent of Education;

e) Establishment and operation of services to meet the educational needs of the region; and

f) Report on the fiscal, planning and other activities of the Regional Office of Education to the region's school districts at least annually, as specified in Section 525.40(g) of this Part.

Section 525.30 Membership and Selection

Each Oversight Board shall have 13 members, comprising seven public members, four certified public school teachers and two certified public school administrators, all of whom shall serve four-year terms, except as specified in Section 525.30(e) of this Part. Regional Superintendents of Education in each of the Regional Offices of Education shall be responsible for coordinating the Oversight Board selection process, which will include notifying constituency groups of the need to choose members; preparing ballots; and reporting the selection process results to the State Board of Education, and to the school district superintendents and collective bargaining representatives in their respective regions.

a) Seven public members shall be chosen by the presidents of the region's school parent groups at a meeting held initially in April 1995 and then during the month of April of each year thereafter as public members' terms expire. Public members shall be selected on a geographically balanced basis (i.e., at least two but no more than four of the seven members from any one major populated area of the region) and shall be from each of the region's counties in multi-county regions. In regions comprised of eight or more counties, only one member can be from any county.

1) Any person residing in the region to be served by the Oversight Board shall be eligible to be considered for nomination, provided on the date of selection he or she:

A) is a citizen of the United States, is at least 18 years old, has been a resident of

the state and the region from which he or she is to be selected for at least one year, is a registered voter as provided in the general election law, and is not a school trustee or school treasurer (Section 10-10 of the School Code [105 ILCS 5/10-10]);

B) is neither a member of a local board of education or a school district employee; and

C) is not an employee of the Regional Office of Education served by the Oversight Board to which he or she would be selected.

2) The Regional Superintendent of Schools shall notify all school district superintendents in writing not later than January 15 of the need to select public members, the number to be selected, the location and date for the selection, and the opportunity to nominate candidates. District superintendents shall notify each school parent group of the need to select members.

3) A designated representative shall be chosen from each school.

A) In schools with an established parent-teacher organization (e.g., PTA, PTO, PTC), the president elected by the membership shall be the designated representative.

B) In those instances where a school does not have an established parent-teacher organization, then the recognized school organizations whose memberships are open to all parents in the school (e.g., booster club, school foundation) shall jointly determine the designated representative for the school.

4) The school parent groups shall submit to the Regional Superintendent no later than March 1 the names of the designated representatives from each school. The school district superintendent shall convene a meeting with these representatives to select no more than two district nominees, whose names shall be forwarded to the Regional

Superintendent of Education not later than March 15 for placement on the ballot.

5) The Regional Superintendent shall prepare a ballot from the nominations submitted by the district and distribute the list of candidates to each school's designated representative by April 1. Ballots shall contain the name of each candidate, the district the candidate represents, and the county in which the candidate resides. Those designated representatives unable to attend the selection meeting may vote by mail in a manner determined by the Regional Superintendent of Education.

6) The Regional Superintendent may hold concurrent meetings at different locations in the region if travel time required of designated representatives is unreasonable or if concurrent meetings would simplify the selection process. The Regional Superintendent shall conduct one of the concurrent meetings; each of the remaining meetings shall be conducted by an Assistant Regional Superintendent.

7) The Regional Superintendent and any Assistant Regional Superintendent(s) conducting the meeting(s) shall maintain a roster of designated representatives, on which shall be recorded whether each representative attended the meeting, participated by mail or did not participate. Each designated representative shall be provided the number of ballots equal to the number of vacancies. Each designated representative may vote for one or more candidates in whole votes (e.g., if there are five vacancies, a representative may cast five ballots for candidate A or may split the five votes as three ballots for candidate A and two ballots for candidate B). The selection shall be by secret ballot.

8) Immediately after all balloting is conducted at all concurrent meeting sites, the Regional Superintendent and any Assistant Regional Superintendent(s) shall publicly open and count the ballots, including any mailed ballots. If concurrent meetings are held, the results of the concurrent balloting shall be immediately telephoned or transmitted to the Regional

Superintendent at the meeting that he or she is conducting.

9) The Regional Superintendent shall post at the meeting the results of all of the balloting, listing candidates in order of the number of votes received, starting with the candidates receiving the most votes.

10) The number of the candidates receiving the most votes equal to the number of vacancies shall be reviewed to determine compliance with the county representation and geographic balance requirements in subsection (a) above. If the list of candidates does not result in compliance with these requirements, the Regional Superintendent shall disqualify from the list the ineligible candidates with the fewest votes and add the next eligible candidate in order of the number of votes received. Such disqualifications and additions shall be repeated as necessary to meet these requirements. The final results shall be reported in writing to the State Board of Education and to school district superintendents in the region.

b) Four members shall be public school teachers, none of whom shall be employed by the same school district, to be selected by all the teachers in the region initially in April 1995 and then during the month of April in each year thereafter when a teacher's term expires.

1) Anyone holding a valid teaching certificate in accordance with Section 21-1 of the School Code [105 ILCS 5/21-1] and who is currently employed as a teacher in a public school district as established in Article 10 of the School Code [105 ILCS 5/10 et seq.] located in the region to be served by the Oversight Board will be considered a teacher for the purposes of voting, nomination and membership.

2) The Regional Superintendent of Schools shall notify all district superintendents in the region in writing not less than six weeks before the selection date of the need to select teacher members, the number to be selected, the date for the selection and the opportunity to nominate candidates.

3) In each school district with a recognized bargaining unit, the district superintendent will notify the bargaining unit representative of the opportunity to nominate teachers for membership on the Oversight Board. The bargaining unit representative, after consultation with teachers in the district, may submit the name of one nominee to the Regional Superintendent for placement on the ballot.

4) The district superintendent in each district that does not have a recognized bargaining unit will hold a meeting with all teachers in the district for the purpose of nominating one person from the district to be placed on the ballot.

5) The bargaining unit representatives or school district superintendents shall submit to their Regional Superintendent the name of their nominee at least two weeks before the scheduled selection date.

6) The Regional Superintendent shall prepare a master ballot containing the names and district affiliations of the districts' nominees.

A) The Regional Superintendent shall mail to the recognized bargaining unit representative in each district a ballot listing the nominees and shall identify from information supplied by the State Board of Education the total number of votes which the district may cast. This number shall be equal to the number of certified teachers working in the district.

B) In each district without a recognized bargaining unit, the Regional Superintendent shall provide the district superintendent with a ballot for each certified teacher.

7) In each district with a recognized bargaining unit, the unit representative shall return the ballot to the Regional Superintendent, indicating the number of votes each candidate received. In districts without collective bargaining agents, the district superintendent shall return the individual teacher ballots to the Regional

Superintendent. These ballots shall be returned to the Regional Superintendent in a sealed envelope by the date specified in the materials mailed pursuant to subsections (6)(A) and (B) above.

8) On the date specified, the Regional Superintendent shall publicly open and count the ballots. The Regional Superintendent shall post the results of all of the balloting, listing candidates in order of the number of votes received, starting with the candidate receiving the most votes. The number of candidates receiving the most votes equal to the number necessary to fill the vacancies shall be determined. The names of the selected members shall be reported in writing to the State Board of Education, and to district superintendents and collective bargaining representatives in the region.

c) Two members shall be public school administrators, who shall not be employed by the same school district, to be selected by all administrators in the region initially in April 1995 and then during the month of April in each year thereafter when an administrator's term expires.

1) An administrator, for the purposes of voting, nomination and membership, shall be anyone who holds a valid administrative certificate in accordance with Section 21-7.1 of the School Code [105 ILCS 5/21-7.1] and is currently employed in a full-time administrative capacity within a public school district as established in Article 10 of the School Code [105 ILCS 5/10 et seq.] located in the region to be served by the Oversight Board.

2) The Regional Superintendent of Schools shall notify all school district superintendents in writing not less than six weeks before the selection date of the need to select administrators, the number to be selected, the date for the selection, and the opportunity to nominate candidates.

3) Each school district superintendent, in consultation with all administrators in his or her district, may submit one nominee to the Regional

Superintendent for the region at least two weeks before the scheduled selection date. The Regional Superintendent shall prepare a master ballot containing the names and district affiliations of the districts' nominees.

4) The Regional Superintendent shall provide each district superintendent with a ballot for each administrator. The district superintendent shall distribute, collect and tally the ballots for the district. Ballots shall be returned to the Regional Superintendent by the district superintendent in a sealed envelope by the date specified at the time the ballots were received.

5) On the date specified, the Regional Superintendent shall publicly open and count the ballots from the districts. The Regional Superintendent shall post the results of all of the balloting by candidate in order of the number of votes received, starting with the candidate receiving the most votes. The number of candidates receiving the most votes equal to the number necessary to fill the vacancies shall be determined. The names of the selected members shall be reported to the State Board of Education and to district superintendents in the region.

d) Each initial member of an Oversight Board selected in April 1995 shall participate in a State Board of Education training program within six months of selection unless the member has received permission in writing from the State Board of Education to be excused and has agreed to participate in alternate training approved by the State Board of Education. Failure to participate in the training program shall result in the member's ineligibility to serve on the Oversight Board, and the member's position shall be declared vacant.

e) Oversight Boards members, whose terms shall begin on May 1, SHALL SERVE FOR FOUR YEARS EXCEPT FOR INITIAL MEMBERS, FIVE OF WHOM SHALL SERVE UNTIL APRIL 30, 1996, FOUR OF WHOM SHALL SERVE UNTIL APRIL 30, 1997, AND FOUR OF WHOM SHALL SERVE UNTIL APRIL 30, 1998 (Sections 3A-16 and 3A-17 of the School Code). The dates of initial expiration will be determined by lot as established by each Oversight Board.

f) The method for filling vacancies on the Oversight Boards shall be determined by each Oversight Board and shall be specified in each board's bylaws, except that vacancies must be filled with a representative from and in consultation with the same constituent group and, if applicable, geographical area, as that of the member leaving the board. Persons selected to fill a vacancy shall serve until the next annual selection process in April following the vacancy.

g) All meetings of Oversight Boards shall comply with the Open Meetings Act [5 ILCS 120/1 et seq.].

Section 525.40 Duties

Each Oversight Board shall have the following duties:

a) to select a chairperson, vice-chairperson and secretary;

b) to adopt all necessary rules for the management and governance of the board, including bylaws (e.g., quorum requirements, vacancies, attendance requirements), personnel policies, and an annual calendar of meetings that provides for at least six meetings a year;

c) TO ADVISE THE REGIONAL SUPERINTENDENT ON THE EDUCATIONAL NEEDS OF THE REGION (Sections 3A-16 and 3A-17 of the School Code);

d) TO REVIEW AND APPROVE THE FISCAL, PLANNING, AND OTHER ACTIVITIES OF THE REGIONAL OFFICE OF EDUCATION, UPON RECOMMENDATION BY THE REGIONAL SUPERINTENDENT (Sections 3A-16 and 3A-17 of the School Code);

e) UPON RECOMMENDATION OF THE REGIONAL SUPERINTENDENT, TO EMPLOY PERSONNEL AND ENTER INTO CONTRACTS (Sections 3A-16 and 3A-17 of the School Code);

f) TO INDEMNIFY MEMBERS OF THE OVERSIGHT BOARD (Sections 3A-16 and 3A-17 of the School Code);

g) TO REPORT ANNUALLY TO THE REGION'S SCHOOL DISTRICTS ON THE FISCAL, PLANNING, AND OTHER ACTIVITIES OF THE REGIONAL OFFICE OF EDUCATION AND HAVE THAT REPORT AVAILABLE FOR PUBLIC INSPECTION (Sections 3A-16 and 3A-17 of the School Code). This report shall include an evaluation of the programs and services delivered to

the region's school districts, specifying the progress made toward meeting each need identified in the annual needs assessment conducted pursuant to subsection (j) of this Section and describing the action that shall be taken to address those needs in which progress was not made;

h) TO FILE WITH THE STATE BOARD OF EDUCATION AN ANNUAL FINANCIAL STATEMENT ON FORMS PRESCRIBED BY THE STATE BOARD OF EDUCATION (Sections 3A-16 and 3A-17 of the School Code);

i) to annually approve the budget and expenditures for the use of the Institute Fund, upon recommendation from the Regional Superintendent of Schools (Sections 3-11 and 3-12 of the School Code [105 ILCS 5/3-11 and 3-12]); and

j) to annually conduct a needs assessment in consultation with the region's educators (i.e., teachers, administrators) that considers the unique demographics of the region's schools. Such needs assessment will be used as a basis of the regional improvement plan developed pursuant to Section 525.120 of this Part, to align resources, including funding provided through an annual application from the State Board of Education pursuant to Section 525.130 of this Part, and to contain staff development activities planned for the current year. The plan shall be updated annually and provided to all school districts in the region and to the State Board of Education.

Section 525.50 Intermediate Service Centers in Cook County Outside the City of Chicago

a) Each of the Intermediate Service Centers established pursuant to Section 525.10(b) of this Part shall have a Governing Board consisting of 11 members, of whom 3 shall be public school teachers nominated by the local bargaining unit representatives to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories to include at least superintendents, school board members and a representative of higher education. The Regional Superintendent (or designee) of Cook County shall be a member of each of these three Governing Boards. A member who changes category status shall be allowed to

remain on the board only if the change does not violate the membership limits specified above.

1) The member(s) of the Governing Board who represents public school teachers, superintendents and board members shall be selected from school districts within the center's service area.

2) The member(s) of the Governing Board who represents higher education shall be selected from a degree-granting postsecondary institution whose campus lies within the area to be served.

3) The member(s) of the Governing Board who does not represent, is not employed by, or is not the designee of public school teachers, superintendents, the regional superintendent, school board members or higher education must reside within the area to be served by the center.

b) Terms of office for Governing Board members shall be four years. The method for filling vacancies on the Governing Board, including vacancies created by the expiration of members' terms, shall be determined by each center's Governing Board and shall be specified in its bylaws.

c) Each Governing Board shall have the following duties and responsibilities:

1) to select a chairperson, vice-chairperson and secretary;

2) to review the Oversight Board's budget;

3) to review the regional improvement plan for the Regional Office of Education developed pursuant to Section 525.120 of this Part;

4) to adopt an annual calendar of meetings providing for at least six meetings a year; and

5) to submit information and reports requested by the State Superintendent of Education.

d) The three Governing Boards shall work in cooperation and in consultation with the Cook County Regional Office of Education Oversight Board in the delivery of

services and programs provided pursuant to Subpart B of this Part.

e) All meetings of the Governing Boards shall comply with the Open Meetings Act [5 ILCS 120/1 et seq.].

525.60 City of Chicago Intermediate Service Center

There shall be an Intermediate Service Center in the city of Chicago, which shall develop and deliver services designed to meet the needs of the schools in its service area pursuant to the requirements of Subpart B of this Part.

a) The Chicago Intermediate Service Center shall be governed by an 11-member Governing Board that shall include 3 public school teachers who shall be nominated by the local bargaining unit representative to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories to include at least subdistrict superintendents and a representative of higher education.

1) The member(s) of the Governing Board who represents public school teachers and subdistrict superintendents shall be selected from the school district within the center's service area.

2) The member(s) of the Governing Board who represents higher education shall be selected from a degree-granting postsecondary institution whose campus lies within the area to be served.

3) The member(s) of the Governing Board who does not represent, is not employed by, or is not the designee of public school teachers, subdistrict superintendents, or higher education must reside within the area to be served by the center.

4) Terms of office for Governing Board members shall be four years. The method for filling vacancies on the Governing Board, including vacancies created by the expiration of members' terms, shall be determined by the center's Governing Board and shall be specified in its bylaws.

b) The State Superintendent of Education shall designate an administrative agent for the center in consultation

with its Governing Board established pursuant to subsection (a) of this Section. The administrative agent shall be either a Regional Office of Education or a public school district and shall serve as the chief administrator of the center with the following responsibilities:

1) to designate a person to serve as an ex officio nonvoting member of the Governing Board;

2) to be the employer of record for personnel who are necessary to carry out the functions of the center, and whose employment has been recommended to and approved by the Governing Board;

3) to submit recommendations to the Governing Board for the employment of personnel;

4) to provide direction and assistance to center staff pursuant to policies adopted by the Governing Board;

5) to supervise and evaluate center staff pursuant to policies adopted by the Governing Board;

6) to serve as fiscal agent with authority to receive and disburse funds within a budget adopted by and pursuant to approval by the Governing Board;

7) to make recommendations to the Governing Board regarding budget, personnel policies and decisions, and other such matters as the Governing Board may delegate;

8) to oversee the implementation of the center's regional improvement plan developed pursuant to Section 525.120 of this Part; and

9) to prepare and submit information as directed by the State Superintendent of Education.

c) The Governing Board shall have the following duties and responsibilities:

1) to select a chairperson, vice-chairperson and secretary;

2) to periodically evaluate the performance of the administrative agent and, if such evaluation indicates a change in agent is desirable, to recommend such change to the State Superintendent of Education pursuant to the provisions of subsection (b) of this Section;

3) upon recommendation of the administrative agent, to approve the employment of such personnel as may be necessary to carry out the functions of the center;

4) to approve the center's budget;

5) to approve the regional improvement plan for the center developed pursuant to Section 525.120 of this Part;

6) to adopt all necessary rules for the management and governance of the center, including bylaws, personnel policies, and an annual calendar of meetings providing for at least six meetings a year;

7) to indemnify, insure and protect the center and its Board members, administrative agent, employees, and authorized volunteers against civil and constitutional rights damage claims and suits and bodily injury and property damage claims and suits; and

8) to submit information and reports as deemed necessary by the State Superintendent of Education.

d) All meetings of the Governing Board shall comply with the Open Meetings Act [5 ILCS 120/1 et seq.].

SUBPART B: PROGRAM ADMINISTRATION AND EVALUATION

Section 525.100 Role of Chief Administrator

The Regional Superintendent of Schools in each Regional Office of Education shall serve as the chief administrator for the programs and services specified by Section 2-3.62 of the School Code and other programs and services assigned by the State Board of

Education to the Oversight Boards, established pursuant to Section 525.10 of this Part, and shall:

a) oversee personnel who are necessary to carry out the services and programs pursuant to Section 525.110 of this Part, and whose employment has been recommended to and approved by the Oversight Board;

b) provide assistance to the Oversight Board in order for it to perform its duties and responsibilities pursuant to Section 525.40 of this Part;

c) oversee fiscal accounts and the receipt and disbursement of funds within a budget adopted by the Oversight Board;

d) make recommendations to the Oversight Board regarding budget, personnel policies and decisions, and other such matters as the Regional Superintendent deems necessary and as the Board requests;

e) oversee the implementation of the Oversight Board's regional improvement plan developed pursuant to Section 525.120 of this Part; and

f) on behalf of the Oversight Board, prepare and submit information as directed by the State Superintendent of Education.

Section 525.110 Programs and Services to be Provided

The following school improvement services shall be provided by each Regional Office of Education and the Chicago Intermediate Service Center as defined in Section 525.10 of this Part. These services shall comprise a core common to all Regional Offices and the Chicago Intermediate Service Center, but shall not limit the range of programs and services that may be offered by one or more of these entities. The 10 Regional Offices of Education with the smallest populations shall provide services under cooperative agreements with one or more of the 35 Regional Offices of Education with the largest populations in accordance with subsection (b) of this Section. Other cooperative efforts between or among the 35 Regional Offices of Education with the largest populations are allowed with the approval of each region's Oversight Board upon recommendation of its Regional Superintendent of Education.

a) Each Oversight Board shall ensure the provision to all school districts of the following programs and services; such services may be provided either directly by each Regional Office of Education or in cooperation with one or more Regional Offices of Education. Such services may include, but need not be limited to, the provision of administrator and teacher training programs, data collection, on-site consultation, evaluation services, implementation of the improvement practices selected by school district staff, and other services identified by school personnel as critical to the completion of their school improvement efforts.

1) Each Regional Office of Education shall provide for Education of Gifted Children as specified in Section 2-3.62(1) of the School Code. Gifted education services are those necessary to support school administrators and teachers in the planning, implementation, and evaluation of the district comprehensive gifted education plans as they relate to school improvement plans. Regional Offices shall assist the State Board of Education with collection and dissemination of information relative to the implementation of district comprehensive plans, professional development programs, and the completion of special studies as deemed necessary by the State Superintendent of Education.

2) Each Regional Office of Education shall provide for Computer Technology Education as specified in Section 2-3.62(2) of the School Code. This shall include planning, implementation, and evaluation services necessary for the establishment of programs designed to achieve computer literacy and high-technology competency. These technology services must include, but need not be limited to, inservice training and staff development; use, application, and evaluation of software; technical assistance; and curriculum development.

3) Each Regional Office of Education shall provide for Staff Development Services in Fundamental Learning Areas, to include at least mathematics, science, and reading resources, as specified in Section 2-3.62(3) of the School Code. These services shall include planning, implementation, and evaluation services as they relate to the

continuing education, inservice training, and staff development needs of teachers and administrators in the areas of mathematics, biological and physical sciences, language arts, fine arts, social sciences, and physical development and health. Activities shall include, but need not be limited to, assisting in needs assessment activities, providing workshops and inservice training sessions, providing technical assistance, convening study or assessment groups, and acting as a clearinghouse for research materials in the fundamental learning areas.

4) Each Regional Office of Education shall ensure access for all administrators to continuing professional development offered through the Illinois Administrators' Academy (Section 2-3.53 of the School Code [105 ILCS 5/2-3.53]) and at least provide the following services: assessing regional needs, acting as a clearinghouse for educational materials and research, and keeping accurate records of attendance at inservice training sessions provided through the Illinois Administrators' Academy.

5) Each Regional Office of Education shall establish and maintain a directory of cooperating consultants used by the Regional Office to provide services to school districts and to make information regarding such consultants available to schools.

b) The Oversight Boards of the 10 Regional Offices of Education with the smallest populations shall enter into cooperative agreements with one or more of the larger regions to provide those services outlined in subsections (a)(1) - (5) of this Section, provided that:

1) approval for the agreement is obtained from each of the Oversight Boards involved in the cooperative;

2) services and programs to be delivered are included in the regional improvement plan pursuant to Section 525.120 of this Part; and

3) if one or more of the 10 Regional Offices of Education cannot enter into a cooperative agreement with one or more of the larger regions, then the State Board of Education shall work with regions so that they enter into a cooperative agreement or, if necessary, assign regions to participate in a cooperative agreement.

c) In addition to the above prescribed programs and services, each Regional Office of Education and the Chicago Intermediate Service Center shall, upon written direction of the State Superintendent of Education, develop a plan for the inclusion of additional programs and services.

Section 525.120 Regional Improvement Plan

a) Each Regional Office of Education, in consultation with its Oversight Board, and the Chicago Intermediate Service Center annually shall develop a plan to carry out the services and programs required under Section 525.110 of this Part. The regional improvement plan shall include a description of:

1) the scope and specific content of the programs and services to be provided and whether those programs and services will be provided by the Regional Office directly or through a cooperative agreement with one or more other Regional Offices;

2) the services to be provided that address school improvement needs identified by the Regional Office of Education through the annual needs assessment conducted pursuant to Section 525.40(j) of this Part;

3) whether services will be delivered by means of on-site consultations, meetings, workshops, conferences, or other means;

4) the costs for implementing each activity; and

5) the standards and procedures by which the completion of each outcome will be evaluated by the Regional Office of Education, such evaluation to be conducted pursuant to Section 525.40(g) of this Part.

b) Those Regional Offices of Education that choose to provide the programs and services defined in Section 525.110(a)(1) - (5) of this Part in cooperation with each other shall ensure that each regional improvement plan addresses all the components for each office working in cooperation.

c) The Regional Offices of Education which have contracted with the 10 Regional Offices of Education with the smallest populations to provide programs and services as defined in Section 525.110 of this Part shall work with these offices to develop regional improvement plans and ensure that those plans address all the components for each office working in cooperation.

Section 525.130 Grant Application

Each Regional Office of Education and Chicago Intermediate Service Center shall submit an annual application. The application shall include the following:

a) A letter of transmittal which identifies the Regional Office of Education and includes an assurance that the minutes of its Oversight Board, or Governing Board in the case of the Chicago Intermediate Service Center, show the formally approved motion granting authority to submit the application.

b) A detailed annual plan for the services to be provided by the Regional Office of Education or Chicago Intermediate Service Center pursuant to Section 525.120 of this Part. This plan shall be aligned with the school improvement planning needs identified through the annual survey of school districts to be conducted by each Regional Office of Education. Objectives along with specific activities shall be presented. Activity statements shall include:

1) an indication of each activity that responds to a need identified in the annual needs assessment conducted pursuant to Section 525.40(j) of this Part;

2) an indication of when each activity will be implemented and completed;

3) an indication of who will conduct each activity;

4) an indication of what each activity will accomplish; and

5) evaluation criteria by which accomplishment of the activity can be measured.

c) Job descriptions for the professional and nonprofessional staff to be employed by the Regional Office of Education or Chicago Intermediate Service Center. If there will be part-time employees, the approximate percentage of time they will be assigned to activities shall be submitted. Resumes shall not be submitted.

d) Services that may be subcontracted are those which the Regional Office of Education or Chicago Intermediate Service Center staff cannot provide.

1) The following information regarding subcontracts in excess of $5,000 shall be provided to the State Board of Education prior to entering into any subcontract:

A) a statement of what is needed and why the staff cannot provide it;

B) name of the subcontractor;

C) the total subcontract amount;

D) a description of the goods and/or services to be distributed or delivered;

E) a detailed budget, including the beginning and ending dates for the proposed subcontract; and

F) a resume(s) if the subcontract includes professional services.

2) The State Superintendent of Education shall approve a subcontract when the evidence presented demonstrates that a need exists which the Regional Office of Education or Chicago Intermediate Service Center staff cannot meet and that the costs represent fair market value for the goods and/or services to be provided.

e) Applications shall contain a budget indicating in detail each item of expenditure for the programs and services to be provided. The proposed budget shall be presented on a form provided by the State Board of Education. Expenditures shall be annually audited by an independent auditor pursuant to 23 Ill. Adm. Code 110.115.

f) Applications must be submitted in accordance with directions set forth by the State Superintendent within 45 days after written notice by the State Board of Education. The Regional Office of Education or Chicago Intermediate Service Center shall submit three (3) copies of the application to the State Superintendent, with one copy bearing the original signature of the Chairperson of either the Oversight Board or the Governing Board, in the case of the Chicago Intermediate Service Center. No FAX copies will be accepted; however, electronic transmission may be allowed as directed by the State Superintendent of Education.

g) Applications shall be reviewed by State Board of Education staff. If an application does not meet the criteria set forth in Section 2-3.62 of the School Code and this Part, then State Board staff shall contact the applicant and request the submission of an amended application.

h) Upon determining that an application is in compliance with Section 2-3.62 of the School Code and this Part, the State Superintendent of Education shall approve the application and shall notify the Chairperson of the Oversight Board and the Regional Superintendent or, in the case of the Chicago Intermediate Service Center, the Chairperson of the Governing Board and the Administrative Agent, of such approval.

Section 525.140 Program Evaluation Standards and Procedures

The State Board of Education will annually evaluate programs that receive funds under this Subpart on the basis of the following standards.

a) A review of the Regional Office of Education or Chicago Intermediate Service Center program records and operations reveals that the program complies with the provisions of Section 2-3.62 of the School Code and

that it has been conducted in conformance with the provisions of the application approved by the State Superintendent of Education pursuant to Section 525.130 of this Part. To make these determinations:

1) State Board staff shall review the Regional Office of Education's or the Chicago Intermediate Service Center's program records at least annually; visits to districts receiving services from a particular office or center will be conducted if the staff believes on-site clarification of questions arising from the documentary review is needed;

2) State Board staff shall visit the Regional Office of Education or the Chicago Intermediate Service Center at least once every two years for the purpose of reviewing records and operations on-site; and

3) Additional on-site visits shall be conducted as the State Board staff may deem necessary to resolve any questions arising from the documentary review.

b) Regional Office of Education or the Chicago Intermediate Service Center evaluation standards and procedures shall conform to the requirements of Section 525.40(g) of this Part; and the report resulting from the application of these standards and procedures shall describe the extent to which the Regional Office of Education or the Chicago Intermediate Service Center has met its objectives.

Section 525.150 Allocation of Funds

The State Superintendent will determine the allocation of funding based on the following criteria:

a) the total appropriation of state funds identified with a particular program;

b) the amount of federal grant funds applicable to particular programs to be provided through the Regional Office of Education or Chicago Intermediate Service Center for programs and services to be provided pursuant to Section 525.110 of this Part;

c) the level of each Regional Office of Education's or Chicago Intermediate Service Center's need for support, including levels of expenditure and experience from prior years, as evidenced in its annual application to the State Board of Education; and

d) the need to assure the delivery of services on a statewide basis.

Section 525.160 Fiscal Procedures

a) The Regional Superintendent of Education in each Regional Office of Education and the Administrative Agent for the Chicago Intermediate Service Center shall maintain accurate financial records. The financial records shall be maintained in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual) as applicable. The State Board of Education and its agents shall have full and complete access at all times during regular business hours to files, records and all other property maintained by the Regional Superintendent of Education or Administrative Agent for programs and services provided pursuant to Section 525.110 of this Part.

b) All purchases exceeding the amount specified in Section 10-20.21 of the School Code [105 ILCS 5/10-20.21] must be bid in accordance with that Section.

c) The Regional Superintendent of Education and the Administrative Agent of the Chicago Intermediate Service Center shall maintain an inventory of equipment (using forms to be provided by the State Board of Education) acquired with funds received directly from the State of Illinois.

d) The Oversight Boards in each Regional Office of Education and the Governing Board of the Chicago Intermediate Service Center shall establish travel regulations. The travel regulations shall include reimbursement rates, designation of reimbursable items, and other conditions the boards deem necessary.

e) Registration fees for conferences/workshops are to be determined on a cost-recovery basis, in accordance with 23 Ill. Adm. Code 110.115(f).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

f) A maximum daily rate for consultants shall be established by the Oversight Boards of the Regional Offices of Education and the Governing Board of the Chicago Intermediate Service Center. The maximum daily rate for individual programs cannot exceed the rate the State Board of Education establishes in the grant application.

g) All unexpended or unobligated grant funds held by the grantee at the end of each grant agreement period shall be returned within 45 days to the State Board of Education.

h) Bimonthly reports shall be provided by the Regional Superintendent to the Oversight Board, or by the Administrative Agent to the Chicago Intermediate Service Center Governing Board, of all purchases, expenditures, revenues, contracts and employment actions for programs and services provided pursuant to Section 525.110 of this Part since the prior reporting period.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Special Education

2) Code Citation: 23 Ill. Adm. Code 226

3) Section Numbers: 226.430 Proposed Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6 and 14-1.01 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Section 226.430 is being amended concurrently with the promulgation of new rules at 23 Ill. Adm. Code 401, governing the use of nonpublic special education facilities by Illinois public school districts. This Section is being revised so that it will mirror the new language being placed into Part 401 to describe the conditions which must be met before school districts may contract with any such facility.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
226.5	Amendment	18 Ill. Reg. 6482
226.535	Amendment	18 Ill. Reg. 6482
226.552	Amendment	18 Ill. Reg. 6482
226.560	Amendment	18 Ill. Reg. 6482
226.562	Amendment	18 Ill. Reg. 6482
226.575	Amendment	18 Ill. Reg. 6482
226.582	Amendment	18 Ill. Reg. 6482

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 17, 1994.
B) Types of small businesses affected: Nonpublic facilities contracting with Illinois public school districts to serve students with disabilities.
C) Reporting, bookkeeping or other procedures required for compliance: Affected schools must keep accurate and up-to-date records regarding personnel, students, programs, and services.
D) Types of professional skills necessary for compliance: Facilities affected must employ administrators and professional special education staff appropriate to the student population(s) they apply to serve.

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226
SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section
226.5 Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section
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226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/14-1.01 et seq. and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at __ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section 226.430 Local District Responsible for Payment When Private Facility is Utilized

a) When a private facility is utilized, the local district shall be responsible for payment of tuition and provision of transportation as provided by ~~The~~ Section 14-7.02 of the School Code [105 ILCS 5/14-7.02]: "IF A CHILD HAS BEEN PLACED IN AN APPROVED INDIVIDUAL PROGRAM AND THE TUITION COSTS INCLUDING ROOM AND BOARD COSTS HAVE BEEN APPROVED BY THE REVIEW BOARD, THEN SUCH ROOM AND BOARD COSTS SHALL BE PAID BY THE APPROPRIATE STATE AGENCY SUBJECT TO THE PROVISIONS OF SECTION 14-8.01 OF THIS ACT. ROOM AND BOARD COSTS NOT PROVIDED BY A STATE AGENCY OTHER THAN THE STATE BOARD OF EDUCATION SHALL BE PROVIDED BY THE STATE BOARD OF EDUCATION ON A CURRENT BASIS. IN NO EVENT, HOWEVER, SHALL THE STATE'S LIABILITY FOR FUNDING OF THESE TUITION COSTS BEGIN UNTIL AFTER THE LEGAL OBLIGATIONS OF THIRD PARTY PAYORS HAVE BEEN SUBTRACTED FROM SUCH COSTS. IF THE MONEY APPROPRIATED BY THE GENERAL ASSEMBLY FOR SUCH PURPOSE FOR ANY YEAR IS INSUFFICIENT, IT SHALL BE APPORTIONED ON THE BASIS OF THE CLAIMS APPROVED. EACH DISTRICT SHALL SUBMIT ESTIMATED CLAIMS TO THE REGIONAL SUPERINTENDENT OF SCHOOLS FOR TRANSMITTAL TO THE STATE SUPERINTENDENT OF EDUCATION. UPON APPROVAL OF SUCH CLAIMS, THE STATE SUPERINTENDENT OF EDUCATION SHALL DIRECT THE STATE COMPTROLLER TO DRAW HIS WARRANTS FOR PAYMENT ON A MONTHLY BASIS. SUCH PAYMENTS SHALL BE TRANSMITTED TO THE REGIONAL SUPERINTENDENT FOR THE REGION IN WHICH EACH SUCH DISTRICT IS LOCATED AND THE APPROPRIATE SCHOOL TREASURER. THE FREQUENCY FOR SUBMITTING ESTIMATED CLAIMS AND THE ~~METHODS~~ METHOD OF DETERMINING PAYMENT SHALL BE PRESCRIBED IN THE RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF EDUCATION." ~~(Ill. Rev. Stat. 1981, ch. 122, par. 14-7.02, as amended by P.A. 81-1479, Section 1.)~~

b) Each school district shall be responsible for monitoring the performance of each nonpublic facility where its students are placed, to ensure that the implementation of each student's Individualized Educational Program (IEP) conforms to the applicable requirements of this Part. In addition, no school district shall place any student in a nonpublic special education program, nor shall any such program accept

placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met.

~~1) All such private placements shall be approved by the State Board of Education.~~

~~2) Approval of the recommended placement shall be contingent upon the following criteria:~~

~~A) The child is enrolled in the public school;~~

~~B) The local district special education program is in compliance with Article 14 of The School Code;~~

~~C) The facility's program is appropriate in relation to the needs of the individual child;~~

~~D) The facility is licensed by the State of Illinois or appropriate agency of the state in which the facility is located;~~

~~E) The facility is registered with the State Board of Education and meets the standards established by that office;~~

~~F) The facility is within the United States;~~

~~G) The facility provides an educational program for at least 176 days per year;~~

~~H) The facility has costs established by the Governor's Purchased Care Review Board for special education, related services, and, in residential placement, room and board;~~

~~I) The facility does not charge parents any fee for special education, related services or room and board for any placement made under this Subpart.~~

~~3) A school district which has been denied approval for the placement of a child in a private facility cannot independently place the child and provide the tuition.~~

1) The program has been approved by the State Board of Education for the school year for which placement is sought.

2) The Governor's Purchased Care Review Board has established allowable costs for the program.

3) The individual student's residential placement, if applicable, has been reviewed by the State Board of Education and approved for purposes of reimbursement.

4) The program has been approved by the State Board of Education for the student's primary and secondary disabilities.

5) The program has been approved by the State Board of Education for the age range that includes the age of the student.

6) All educational programming and related services specified on the student's IEP can be provided by the facility.

7) The district and the facility have entered into the contractual agreement called for in Section 226.440 of this Part.

(Source: Amended at __ Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedural

2) Code Citation: 56 Ill. Adm. Code 2520

3)

Section Number:	Proposed Action:
2520.10	Amendment
2520.20	Amendment
2520.30	Amendment
2520.40	Amendment
2520.110	Amendment
2520.310	Repealed
2520.320	Repealed
2520.330	Amendment
2520.340	Repealed
2520.350	Amendment
2520.360	Amendment
2520.370	Repealed
2520.380	Amendment
2520.410	Repealed
2520.420	Repealed
2520.430	Amendment
2520.440	Amendment
2520.450	Repealed
2520.460	Repealed
2520.470	Repealed
2520.480	Repealed
2520.510	Amendment
2520.520	Repealed
2520.530	Repealed
2520.540	Repealed
2520.550	New Section
2520.560	New Section
2520.570	New Section
2520.610	Amendment
2520.620	Amendment
2520.630	Amendment
2520.640	Amendment
2520.650	Amendment

4) Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/1-101 through 5/7B-104] and Sections 1 et seq. of the Intergovernmental Cooperation Act [5 ILCS 220 et seq.], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 5/7-105(A)].

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

5) A complete Description of the Subjects and Issues involved: The proposed amendments update the Department's rules to comply with changes in the Illinois Human Rights Act, correct certain technical defects, and clarify procedures for charge processing and for the Department's relations with local human rights agencies.

6) Will these proposed amendments replace an emergency rulecurrently in effect? No.

7) Does the rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The proposed amendments would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments by filing a written notice of intent thereof, within fourteen days of the date of this issue of the Illinois Register with:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
Telephone Number: 312-814-6242
T.D.D.: 312-263-1579

Comments must be in writing and filed within forty-five days of the date of this issue of the Illinois Register. If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: All small business subject to the Illinois Human Rights Act.

B) Reporting, bookkeeping or other procedures required for compliance: Although there are no bookkeeping procedures required, the regulations provide procedures for compliance with the Illinois Human Rights Act.

C) Types of professional skills necessary for compliance: None known.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520
PROCEDURAL

SUBPART A: INTERPRETATIONS

Section
2520.10 Definition of Terms
2520.20 Computation of Time
2520.30 Service of Pleadings
2520.40 Filing with the Department
2520.50 Separability

SUBPART B: RECORDS

Section
2520.110 Preservation of Records by Employers, and Labor Organizations, Employment Agencies and Respondents

SUBPART C B: CHARGE

Section
2520.310 Time of Filing (Repealed)
2520.320 Form (Repealed)
2520.330 Contents
2520.340 Requirements for Charge (Repealed)
2520.350 Acceptance of Charge
2520.360 Amendment
2520.370 Substitution and Addition of Parties (Repealed)
2520.380 Withdrawal of Charge

SUBPART D C: PROCEDURE UPON CHARGE

Section
2520.410 Docketing and Service of Charge (Repealed)
2520.420 Maintenance of Records (Repealed)
2520.430 Investigation
2520.440 Fact-Finding Conference
2520.450 Administrative Closure (Repealed)
2520.460 Determination After Investigation (Repealed)
2520.470 Conciliation (Repealed)
2520.480 Complaint (Repealed)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

SUBPART E D: SETTLEMENTS

Section
2520.510 Terms of Settlement
2520.520 Non-Disclosure (Repealed)
2520.530 Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540 Non-Compliance with Settlement Terms (Repealed)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section
2520.550 Administrative Closure
2520.560 Dismissal
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SUBPART F: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section
2520.610 Scope and Purpose (Repealed)
2520.620 Definitions (Repealed)
2520.630 Cooperative Agreements
2520.640 Nature of Cooperative Complaint Processing Arrangements
2520.650 Training and Technical Assistance
2520.660 Promotion of Communication and Goodwill

SUBPART G: EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES

Section
2520.700 Definitions
2520.710 Scope and Purpose
2520.720 Affirmative Action Groups
2520.730 Consideration of Additional Groups
2520.740 Definitions (Renumbered)
2520.750 Nondiscrimination (Repealed)
2520.760 Plans
2520.770 Reporting and Record-Keeping
2520.780 Equal Employment Opportunity Officers
2520.790 Complaint Process
2520.795 Compliance Reviews
2520.797 Sanctions for Noncompliance

APPENDIX A Contents of Affirmative Action Plans
APPENDIX B Value Weight Assignment Chart

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 2-105 and 7-102 et seq. Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/1-101 through 5/7B-104] and Sections 1 et seq. of the Intergovernmental Cooperation Act [5 ILCS 220 et seq.], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Acts [775 ILCS 5/7-101(A) and 5/7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 18 Ill. Reg. _____, effective _____.

Section 2520.10 Definition of Terms

Where used in this Part, unless the context other wise clearly requires: For purposes of this Part, the following terms shall have the meanings indicated:

The term "Act" -- shall mean the Illinois Human Rights Act (111. Rev. Stat. 1981, ch. 68, Sec. 1-101 through 11-101) [775 ILCS 5/1-101 through 5/10-103].

The term "Charge" -- shall mean an allegation of a civil rights violation filed with or initiated by the Department in accordance with the provisions of the Act and this Part , and with regard to Subpart F, one filed with a local human rights agency.

The term "Civil Rights Violation" shall refer to any of the acts or practices constituting civil rights violations under Sections 2-102, 2-103, 3-102, 3-103, 3-104, 3-105, 4-102, 4-103, 5-102, or 6-101 of the Act.

The term "Commission" -- shall mean the Illinois Human Rights Commission or, where appropriate, a panel of three Commissioners.

The term "Complainant" -- shall mean a person who files a charge with the Department or a complaint, including the Department in the case of a charge initiated by the Department itself, said term shall have the same meaning in connection with a complaint filed by the Department with the Commission.

The term "Complaint" -- shall mean a written complaint for hearing filed by the Department with the Commission in accordance with the Act and this Part.

Days -- shall mean calendar days.

The term "Department" -- shall mean the Department of Human Rights.

The term "Director" -- shall mean the Director of the Department or a duly authorized designee.

Local Agency -- shall mean any department, commission or other instrumentality of a municipality or other political subdivision of the State of Illinois, or of two or more such political subdivisions acting jointly, which is duly established to serve purposes consistent with those of the Human Rights Act.

The term "Party" -- shall refer to a person designated as mean the complainant or respondent in a charge or complaint.

The term "Person" -- shall have the same meaning as prescribed in Section 1-103 of the Act [775 ILCS 5/1-103].

The term "Respondent" -- shall mean a person against whom a charge or complaint is filed in accordance with the Act and this Part.

Unlawful Discrimination -- shall mean any form of discrimination prohibited under the Human Rights Act or under a local ordinance administered by a local agency.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.20 Computation of Time

For purposes of To computinge any period of time provided for under the Act or this Part, the date of any act, event, service or default from which such period of time begins to run shall not be included. If When the last day of any such period of time shall falls on a Saturday, Sunday or legal State holiday, such time period shall continue to run until the end of the next day which is not a Saturday, Sunday, or legal State holiday. When the period of time prescribed

or allowed is less than seven days, intermediate Saturdays, Sundays and legal State holidays shall be excluded in the computation. Whenever a time period commences upon a person's receipt of service or notice, and service is by mail, receipt shall be presumed to occur on the fourth fifth day after mailing.

Section 2520.30 Service of Pleadings Documents

a) Manner of Service. Unless otherwise provided, all motions, orders, notices and other pleadings documents required to be served under the Act or this Part shall be served either personally, by telefax or by first-class mail.

b) Proof of Service. Where service on the Department is required, proof of service shall be filed with the Department consisting of the verified statement of the individual making service, specifying the title of the document, manner and date of such service.

c) Effective Date of Service by Mail. Service by mail shall be deemed complete four five days after mailing of the document, properly addressed and posted for delivery to the person to be served.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.40 Filing with the Department

All documents and pleadings required by the Act or this Part to be filed with the Department shall be deemed filed when received, if hand-delivered or telefaxed. provided, that aAn item properly received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: RECORDS

Section 2520.110 Preservation of Records by Employers and, Labor Organizations , Employment Agencies and Respondents

a) Employers ~~Every employer~~ subject to Article 2 of the Act shall preserve and maintain the following

employment and personnel records, to the extent that they may exist, for the periods indicated herein:

1) All aApplications for employment together with all, resumes, and other documents or supporting materials submitted by or on behalf of applicants; and copies of all interview forms, aptitude or qualifying examinations, personal history or background examination reports, medical history and physical examination reports, and other documents, pertaining to each applicant, for a period of one year from the date of such application;

2) Each employee's personnel file, including performance evaluations, attendance/tardiness records, reprimands and disciplinary records, and suspension, lay-off, termination or resignation records, for a period of one year from the date of such employee's termination or separation from employment;

3) All jJob descriptions, production standards, and other records of required job duties, qualifications and performance criteria, for a period of one year following the date the same cease to be effective.

b) Labor Oorganizations ~~--Every labor organization~~ subject to Article 2 of the Act shall preserve and maintain the following membership and business records to the extent that they may exist for the periods indicated herein:

1) All aApplications for membership or transfer of membership, together with all and supporting documents or materials submitted by or on behalf of any such applicant, and any records bearing on the disposition thereof, for a period of one year from the date of each such application;

2) All membership and apprenticeship records, including records pertaining to the discipline, suspension or expulsion of a member, or apprentice, or trainee, for a period of one year from the date of expulsion or separation of any such person from membership or an apprenticeship or training program;

3) All grievance and arbitration records, including all documents pertaining to the request by or on

behalf of any member of the collective bargaining unit that a grievance be initiated, and any documents reflecting the disposition of such a request or the disposition of any grievance filed, for a period of one year from the date of such request or from the date of final resolution of the grievance.

c) Employment agencies shall preserve the following documents for a period of one year from the time these documents are created:

1) all applications for assignment to an employer, and documents in support thereof;

2) any documents bearing on the disposition thereof;

3) documents relating to the terms and conditions of an assignment.

d) Charge Pending -- Notwithstanding any other provision of this Part, once a charge has been served on a respondent, the respondent shall preserve all records and other evidence pertaining to the charge until the matter has been finally adjudicated.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART ~~C~~ B: CHARGE

Section 2520.310 Time of Filing (Repealed)

~~A complainant or the Department may file a charge at any time within 180 days after occurrence of an alleged civil rights violation. If the alleged civil rights violation is of a continuing nature, the date of occurrence may be any date subsequent to the commencement of the civil rights violation up to and including the date on which it shall have ceased.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.320 Form (Repealed)

~~A charge shall be in writing and signed by the complainant, or by the Director in the case of a charge initiated by the Department, under oath or affirmation before a notary public or other person authorized by law to administer oaths or~~

affirmations. Notary service shall be provided without cost at the Department's offices.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.330 Contents

A charge shall be in such detail as to substantially apprise any partyies of the time, place and facts with respect to the alleged civil rights violation. It should contain the following:

a) Tthe full name and address of the complainant , or a statement that the charge is filed in the name of the Department itself; however, upon request of complainant or respondent and with agreement of the Department, the name of complainant will not be released to the public;

b) Tthe full name and address of the each Rrespondent;

c) Aa statement of the facts alleged to constitute the a prima facie case of a civil rights violation, including the date, time, and place thereof;

d) A statement describing any other action instituted by or on behalf of the complainant in any other forum (including one instituted under grievance or arbitration provisions of a collective bargaining agreement), based on any of the incidents or practices alleged in the charge. a statement of each specific harm the complainant has suffered as a consequence of the alleged civil rights violation; and

e) complainant's notarized signature under oath or affirmation.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.340 Requirements for Charge (Repealed)

In addition to the elements specified in Section 2520.330 hereof, an individual may be required to provide the Department with the following information where available to enable the Department to determine whether the facts alleged by the

individual state a claim of civil rights violation under the Act.

a) The approximate number of persons employed by any entity which is sought to be charged under Article 2 of the Act in the capacity of an employer;

b) For each alleged civil rights violation, a statement of the facts which lead the individual to believe that the practice is or was unlawful;

c) A statement of each specific harm or injury that the individual has suffered as a consequence of the alleged civil rights violation.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.350 Acceptance of Unperfected Charge

a) The Department shall accept for filing any charge which it receives from an individual in compliance with the foregoing provisions of this Subpart.

b) In the event the Department receives a written statement from an individual which complies substantially with Sections 2520.320 and 2520.330 hereof, but which is not notarized or is lacking elements specified in Section 2520.340, the Department may accept and docket the statement (or a refined version of it) as an unperfected charge. The Department shall notify the complainant in writing of the elements which must be supplied to perfect the charge. If the elements requested are available to and capable of being articulated by the complainant, but the complainant nevertheless fails or refuses to perfect the charge as specified, the charge shall be dismissed pursuant to Section 2520.450 of this Part.

c) Unless the complainant requests otherwise, the Department shall dual-file every charge which it accepts for filing under Article 2 of the Act also states a claim under Title VII of the 1964 Civil Rights Act, (42 U.S.C. 2000e et seq.), as amended, with the appropriate office of the U.S. Equal Employment Opportunity Commission.

In the event the Department receives a written statement from an individual which complies substantially with Section 2520.330 of this Part, the Department may accept and docket the statement (or a refined version of it) as an unperfected charge. The Department shall notify the complainant in writing of the elements which must be supplied. If the complainant fails or refuses to perfect the charge as specified, the charge may be dismissed pursuant to Section 2520.560 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.360 Amendment

a) A charge or any part thereof may be amended by the complainant to cure technical defects or omissions, or to clarify or amplify allegations made therein, or to set forth additional facts or allegations related to the subject matter of the original charge, and such amendments shall relate back to the original filing date.

b) A charge may be amended to include new harms or bases which occurred within 180 days of the amendment or, for charges under Article 3 of the Act, one year of the date of the amendment.

c) A charge may be amended to substitute or name additional respondents. Such an amendment will relate back to the original filing date if at the time of the amendment a separate charge could have been timely filed against such additional respondent or such additional respondent had timely notice of the original charge and the fact it might be involved therein. Mere misnomer of a party may be cured at any time.

d) If a party dies during pendency of the proceedings, the charge may be amended to substitute the legal representative, or other person with a legally recognized interest in the decedent's estate, for the deceased.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.370 Substitution and Addition of Parties (Repealed)

a) A charge may be amended by the complainant to

substitute or name additional parties respondent, and such an amendment shall relate back to the original filing date, if: at the time of the amendment a separate charge could have been filed against such additional respondent; or such additional respondent had timely notice of the original charge and the fact it might be involved therein. No person shall be made a respondent at any state of proceedings before the Department unless named as respondent in the charge or an amendment thereto. Mere misnomer of a party, however, shall not be grounds for dismissal and may be cured at any time.

b) Where a party dies during pendency of the proceedings, such party's legal representative may be substituted for the deceased upon amendment of the charge within ninety (90) days after notice by the Department addressed to the deceased's last known address.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.380 Withdrawal of Charge

A charge or any part thereof may be withdrawn by the complainant at any time prior to an order of the Department issuance of a notice dismissing the charge or the issuance by the Department filing of a complaint based on the charge. A complainant's request to withdraw a charge shall be in writing and signed under oath or affirmation and shall specifically reference the Department's charge number and any applicable federal or local charge numbers. The Department shall approve the request if it is knowingly and voluntarily made, and shall promptly so notify all parties in writing administratively close the charge pursuant to Section 2520.550 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B C: PROCEDURE UPON CHARGE

Section 2520.410 Docketing and Service of Charge (Repealed)

Each charge, once filed, shall be docketed and assigned a case number by the Department, and a copy of such charge shall, within ten (10) days following the date of filing, be served by the Department on the named respondent.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.420 Maintenance of Records (Repealed)

~~Notwithstanding any other provision of this Part, once a charge has been served on a respondent, the respondent shall preserve all records and other evidence which may be relevant to the case until the matter has been finally adjudicated.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.430 Investigation

a) After a charge has been filed, the Department's staff shall institute an investigation to ascertain the facts relating to the civil rights violation as alleged in the charge and any amendments ~~thereto~~.

b) If ~~D~~during the investigation ~~of a charge~~ a respondent refuses to cooperate, the Director ~~or Department employee supervising the Department's investigation~~ may either make a finding of substantial evidence or request ~~that~~ the Commission issues subpoenas to compel the attendance of witnesses or the production ~~for examination and copying of any books, records or~~ documents.

c) A complainant must promptly provide the Department with notice of any change in address or telephone number or any prolonged absence from the current address so that he or she can be located. A complainant must cooperate with the Department, provide necessary information and be available for interviews and conferences upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the charge pursuant to Section 2520.560 of this Part.

d) The Director may request the Commission issue subpoenas to compel the production of any documents and/or the attendance of witnesses at an interview conducted by the Department or at a fact-finding conference.

e) The Department may withhold any witness statement or the identity of any witness as confidential upon the request of a party or such witness.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.440 Fact-Finding Conference

a) Notice. As part of its investigation, the Department may, ~~within one hundred twenty (120) days after the filing of a charge,~~ convene a fact-finding conference for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of a negotiated settlement. Notice of the conference shall be given to all parties at least ten ~~(10)~~ days prior thereto, and shall identify the individuals requested to attend on behalf of each party. The time provisions contained in this subsection may be waived by agreement of the parties and the Department.

b) Attorneys, Witnesses. A party may be accompanied at a fact-finding conference by his/her attorney or another representative, and by a translator if necessary. An attorney for a party not previously having entered an appearance ~~shall~~ must do so at the ~~outset~~ beginning of the conference. The parties may bring witnesses to the conference in addition to those whose attendance may be ~~specifically requested~~ mandated by the Department, ~~but the Department employee conducting the conference shall decide which witnesses shall be heard and the order in which they are heard. The Department employee conducting the conference may exclude witnesses and other persons from the conference when they are not giving evidence, except that one representative of each party and counsel shall be permitted to remain throughout. The Department employee shall conduct and control the proceedings. No tape recording, stenographic report or other verbatim record of the conference shall be made.~~

c) Conduct. The investigator or other employee of the Department shall conduct the conference and control the proceedings. No tape recording, stenographic report or other verbatim record of the conference can be made. The investigator shall decide which witnesses shall be heard and the order in which they are heard. The

investigator may exclude witnesses and other persons from the conference, except that each party and its representative shall be permitted to remain.

d) Dismissal or Default for Non-attendance. The failure of a party to attend the conference after due notice may result in dismissal of the charge pursuant to Section 2520.560 of this Part, in the case of a complainant, or default pursuant to Section 2520.570 of this Part, in the case of a respondent. A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have failed to attend. Prior to the entry of a notice of dismissal or default against any party, the Department shall afford that party written notice and a period of at least fifteen days to show good cause in writing why dismissal or default is not appropriate.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.450 Administrative Closure (Repealed)

A complainant has the responsibility to promptly provide the Department with notice of any change in address or any prolonged absence from that current address so that he or she can be located when necessary during the processing of the charge. In addition, a complainant is responsible for providing the Department with necessary information and to be available for interviews and conferences upon reasonable notice or request by the Department. If a complainant cannot be located or does not adequately respond to reasonable requests by the Department, the Department may dismiss the charge. The Department shall promptly serve upon the parties written notice of the dismissal specifying the manner in which the complainant has failed to comply with this Section. The notice shall be addressed to the complainant at the last known address, and shall advise that the complainant may obtain review of the matter by the Commission by filing a request therefor with the Commission within thirty (30) days of receipt of the notice.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.460 Determination After Investigation (Repealed)

a) Report. After investigation of a charge which has not earlier been settled, withdrawn or

administratively closed, a written report of the investigative findings shall be prepared and submitted to the Director for review. The report shall be deemed confidential and not subject to disclosure prior to issuance of the Director's determination as provided in this Section.

b) Dismissal. If after review of the investigation report the Director concludes with respect to any respondent or any cause of action that substantial evidence of a civil rights violation is lacking or that the Department lacks jurisdiction, the charge shall be dismissed as to such respondent or cause of action. The Department shall promptly serve upon the parties written notice of the dismissal, together with a copy of the investigation report. The Notice shall state the ground for dismissal, and shall advise that the complainant may obtain review of the matter by the Commission by filing a request therefor with the Commission within thirty (30) days of receipt of the notice.

c) If the Director concludes that there is substantial evidence of a civil rights violation with respect to any respondent or any cause of action, the Department shall promptly serve notice of such determination upon all parties, advising them that conciliation efforts will ensue.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.470 Conciliation (Repealed)

Conciliation efforts shall be conducted by a Department attorney licensed to practice law in Illinois. The attorney shall confer with the parties in an attempt to secure a settlement of the charge which will eliminate the effects and prevent the repetition of the alleged civil rights violation. If the attorney determines that a conciliation conference should be convened, the parties shall be notified either personally or by certified mail of the time and place of the conference at least ten days in advance and the conference shall be held at a site within thirty-five (35) miles of the place where the civil rights violation is alleged to have occurred, unless the parties shall agree otherwise. Each party may attend the conciliation conference either in person or by attorney but the person attending should have authorization to conduct and conclude settlement discussions.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.480 Complaint (Repealed)

If conciliation fails to effect a settlement or dismissal of a charge, the Department shall issue and file with the Commission a written complaint against the respondent and serve notice of such filing on all parties. The complaint shall state the nature of the alleged civil rights violation under oath or affirmation and shall describe the relief sought. The allegations of the complaint may encompass the matters alleged in the charge and others which are substantially related thereto and were involved in the Department's investigation and the Director's substantial evidence determination.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

SUBPART E D: SETTLEMENTS

Section 2520.510 Terms of Settlement

If terms of settlement are agreed to between the parties to a charge or complaint, the same shall be reduced to writing, signed by the parties and submitted to the Director or designee for approval. If proposed terms are unambiguously drawn, not inconsistent with the Act, and knowingly and voluntarily entered into, the Director or designee shall promptly approve them and shall cause them to be filed with the Commission.

a) Settlement Enforceable by Commission. If the parties seek to have a settlement enforced by the Commission, the terms of settlement must first be approved by the Director. If the proposed terms are unambibuously drawn, not inconsistent with the Act, and knowingly and voluntarily entered into, the director shall approve them and file them with the Commission. he Department may require any party to such terms to submit proof of compliance.

b) Private Settlement. The parties may choose to enter into a private settlement and not submit it to the Director for approval or to the Commission for enforcement. The Department will continue to process the charge unless it is withdrawn pursuant to Section 2520.380 of this Part.

c) Non-Disclosure. No stenographic or other formal record shall be made of settlement efforts.

d) Non-Compliance.

1) The Department may conduct an investigation to determine compliance with settlement terms if proof of compliance is not provided or if a party makes a written allegation of a violation.

2) If the Department concludes that substantial evidence of a violation is lacking, it shall so notify the parties in writing.

3) If the Department determines that there is substantial evidence of a violation, the Department shall file with the Commission a notice of violation, with service on all parties. The notice shall set forth the nature of the violation and shall request that the Commission:

A) authorize the Department to seek judicial enforcement of its order pursuant to Section 8-111(B) of the Act [775 ILCS 8-111(B)]; or

B) remand the matter to an Administrative Law Judge for public hearing on the alleged violation.

(Source: Amended 18 Ill. Reg. _____, effective _____)

Section 2520.520 Non-Disclosure (Repealed)

No stenographic or other formal record shall be made of settlement efforts. Nothing which is said or done as a part of settlement efforts shall be disclosed by the Department to others not parties to the charge except upon the written consent of all parties.

(Source: Repealed 18 Ill. Reg. _____, effective _____)

Section 2520.530 Dismissal for Refusal to Accept Settlement Offer (Repealed)

The Department may dismiss a charge if it is established to the satisfaction of the Director that the respondent has taken

specific actions or offered terms of settlement which are sufficient to eliminate the effects of the civil rights violation charged and to prevent repetition thereof. In such case, the Director shall enter an order reciting the action taken or incorporating the terms of settlement and dismissing the charge pursuant thereto. The order shall advise that the complainant may obtain review of the dismissal by the Commission, by filing a request therefor with the Commission within thirty (30) days of receipt of the order.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.540 Non-Compliance with Settlement Terms (Repealed)

a) Whenever a party alleges a violation of a settlement agreement approved by the Commission, the Department shall conduct an investigation into the alleged violation. If the Department determines that there is substantial evidence of such a violation, it shall proceed in accordance with the provisions of paragraph (b) of this Section. If the Department concludes that substantial evidence of a violation is lacking, it shall so notify the parties in writing.

b) Whenever the Department determines that there is substantial evidence that a party has violated terms of settlement approved by Commission order, the Department shall file with the Commission a notice of violation, with service at the same time on all parties. The notice shall set forth the nature of the violation and shall request that the Commission either:

1) Authorize the Department to seek Judicial enforcement of its order pursuant to Section 8-111(B) of the Act; or

2) Remand the matter to an Administrative Law Judge for public hearing on the alleged violation.

(Source: Repealed at 18 Ill. _____, effective _____)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section 2520.550 Administrative Closure

a) When the Department becomes aware that there is a charge filed containing some or all of the issues pending in a federal or state court proceeding, it may administratively close the issues of the charge which are being litigated and continue to process the remaining issues. The Department shall advise the parties in writing, allowing fifteen days for either party to state in writing why those issues of the charge should not be closed.

b) After the Department administratively closes a charge pursuant to subsection (a) above or pursuant to Section 2520.380 of this Part, it shall promptly notify all parties in writing.

(Source: Added at 18 Ill. _____, effective _____)

Section 2520.560 Dismissal

a) The Department shall serve upon the parties a written notice of dismissal of all or part of a charge. The notice will state the ground for dismissal and that the complainant may obtain review by the Commission by filing a request for review within thirty days of receipt of the notice.

b) The dismissal may be based upon:

1) lack of substantial evidence of discrimination or lack of jurisdiction. An investigation report discussing the reasons for the dismissal shall accompany the notice of dismissal;

2) complainant's failure to proceed, as provided in Section 2520.430(c) of this Part. The notice of dismissal in such cases shall specify the manner in which the complainant has failed to proceed and shall be addressed to the complainant at the last known address; or

3) complainant's failure to accept a settlement offer, pursuant to Section 7A-103(D) of the Act [775 ILCS 5/7A-103(D)]. The notice in such cases shall specify the reasons for the Department's dismissal.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 2520.570 Default

Prior to the entry of a default against a respondent pursuant to Sections 7A-102(B) or 7A-102(C) of the Act and Section 2520.440(d) of this Part, the Department will afford that party written notice and a period of at least fifteen days to show good cause in writing why default may not be appropriate [775 ILCS 5/7A-102(B) and 5/7A-102(C)].

(Source: Added at 18 Ill. _____, effective _____)

SUBPART F: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section 2520.610 Scope and Purpose (Repealed)

~~This Part implements Section 7-100 and, in part, Section 7-106 of the Illinois Human Rights Act. Section 7-100 of the Act authorizes local governments in Illinois to create local agencies to promote nondiscrimination and equal opportunity, and permits the Department of Human Rights and such local agencies to cooperate in the resolution of complaints alleging civil rights violations. Section 7-106 of the Act empowers the Department of Human Rights to undertake various educational and promotional efforts to advance the purposes of the Act, and to cooperate with other public bodies in such undertakings.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.620 Definitions (Repealed)

~~For purposes of this Subpart, the following terms shall have the meanings indicated:~~

~~Department--"Department" shall mean the Illinois Department of Human Rights.~~

~~Director--"Director" shall mean the Director of the Department of Human Rights.~~

~~Local Agency--"Local Agency" shall mean any department, commission or other instrumentality of a municipality or other political subdivision of the State of Illinois, or of two or more such political subdivisions acting jointly, which is duly established to serve purposes consistent with those of the Human Rights Act and/or to secure for individuals within its jurisdiction the freedom from discrimination made unlawful under the Act.~~

~~Unlawful Discrimination--"Unlawful discrimination" shall mean any form of discrimination prohibited under the Human Rights Act or under a local ordinance administered by a local agency.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 2520.630 Cooperative Agreements

Subject to the following requirements, the Department may enter into a written agreement with a local agency ~~whereby the Department and the local agency may~~ to jointly process~~,~~ or transfer from one to the other for processing~~, complaints alleging~~ allegations of unlawful discrimination.

a) Application by local agency

1) A local agency which desires to enter into a cooperative ~~complaint processing~~ agreement with the Department may apply in writing to the Director at the Department's Chicago office. The application shall consist of at least the following items:

A) A copy of the ordinance(s) under which the local agency is established and which it administers;

B) A copy of any regulations or other written policies and procedures governing the local agency's operations;

~~C) An organizational chart depicting the agency's internal structure and its relationships to the governing authorities of the political subdivision(s) of which it is part; and~~

~~B~~ C) A narrative statement signed by the agency's chair or chief executive officer describing:

i) its total budget and available resources;

ii) the size of its staff, both full/and part-time;

~~iii) its area(s) of specialization or major focus;~~

~~iv~~ iii) its current or annual caseload of discrimination complaints; and

v iv) the nature and duration of the cooperative arrangement it seeks with the Department.

2) The application shall also be supported by evidence that it is approved by the governing authorities of the political subdivision(s) of which the local agency is a part.

b) Review by Department--The Department shall examine the local agency's application and supporting materials, and may request further information bearing upon the agency's authority, organization, and operational capacity. Representatives of the Department may visit the locality to gather further information and/or discuss the application in greater detail.

c) Approval by Director--After the Department has reviewed the local agency's application and gathered any further information pertinent to its inquiry, the Director shall determine whether a cooperative arrangement appears agreement is feasible and in the best interests of the Department and the public. The Director shall advise the local agency in writing as to that determination and, if it is in the affirmative, shall forward to the agency a proposed written cooperative agreement. In making this determination, the Director will consider, without limitation, such factors as the extent of the local agency's lawful authority; its experience and administrative capabilities; the number and types of complaints charges filed in its area; and the competing demands upon the Department's available resources.

d) Execution of Agreement--After the Department and a local agency have agreed upon the terms of a cooperative agreement, the terms shall be reduced to writing and executed by the Director and by the chair and/or chief executive officer of the local agency. The agreement shall may also be executed by an appropriate official on behalf of the governing authority of the municipality or political subdivision(s) of which the local agency is a part. The agreement shall take effect upon the date of the last signature required under this paragraph or upon a subsequent date specified in the agreement itself.

e) Term of Agreement--A cooperative agreement duly executed

by and between the Department and a local agency shall remain in effect for a term specified in the agreement itself, but shall in any event may be terminable terminated by either party without penalty at any time upon written notice to the other.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.640 Nature of Cooperative Complaint Processing Arrangements Agreements

A cooperative agreement executed by and between the Department and a local agency may provide for any of the following arrangements, separately or in combination;

a) Dual-Filing of local charges--An arrangement whereby tThe local agency may accept and transmit to the Department a charges of unlawful discrimination over which it receives alleging violations within the has jurisdictions of both the local agency and the Department. Such charges shall be accepted by the the Department and docketed as Department charges if received by the Department within 180 days following the alleged discrimination and if they meet the requirements of the Human Rights Act and the Department's rules. Upon acceptance of such a charge, the Department will notify the local agency of the docket number it has assigned to the charge. The agreement may provide that the Department shall defer processing such a charge for a period not to exceed 30 180 days from its receipt of the charge, during which period the local agency shall pursue investigation and resolution of the charge and notify the Department of the outcome of those efforts; but. tThis agreement shall not preclude the Department, in its discretion, from deferring action for a longer period in any charge if it appears that the local agency has nearly completed or resolved the matter.

b) Referral of Department charges--An arrangement whereby tThe Department may refer to the local agency charges which the Department has received and docketed which allege violations also within the jurisdiction of the local agency. The local agency shall promptly notify the Department whether it has accepted the referred charge and , if so, the docket number it has assigned to the charge. The agreement may provide that, upon the local

agency's acceptance of such a charge, the Department shall defer processing it for a period not to exceed 38 180 days from the Department's receipt of the charge, during which period the local agency shall pursue investigation and resolution of the charge and notify the Department of the outcome of those efforts; but. tThis agreement shall not preclude the Department, in its discretion, from deferring action for a longer period in any charge if it appears that the local agency has nearly completed or resolved the matter.

c) Transfer of non-jurisdictional charges--An arrangement whereby tThe Department and the local agency may agree to transfer, from one to the other, any charges either may receive which are not within the receiver's recipient's jurisdiction but which are or appear to may be within the other's jurisdiction. The agreement shall provide that the transferee will accept and docket such a charge if it meets its lawful requirements for a charge and if the transfer is received within its lawful time requirement for the filing of such a charge. The transferee will further agree to promptly notify the transferor whether it has accepted and docketed the charge and, if so, the assigned docket number it has assigned it.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.650 Training and Technical Assistance

Under the terms of any cooperative agreement executed between the Department and a local agency under Section 2520.838630 of this Part, or upon written application by a local agency to the Director, the Department may provide training and/or technical assistance to the personnel of a local agency in the procedures and techniques utilized by the Department in receiving, investigating and attempting to resolve complaints charges of unlawful discrimination. In determining whether to provide such training upon application, the Department will consider the expertise already possessed by the local agency, the number and types of complaints charges filed in its area, and the competing demands upon the Department's resources. The nature and extent of any such training to be provided shall be contingent upon the periodic availability of Department staff and related resources necessary to the undertaking. The Department's approval of a cooperative agreement incorporating provisions as set forth in Section

2520.848640(a) and (b) of this Part, or the effective date of such an agreement, may be conditioned upon the successful completion by the local agency's appropriate staff of such training.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1270

3) Section Numbers: Proposed Action:

1270.5	Amendment
1270.10	Amendment
1270.20	Amendment

4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking amends content pertaining to the examinations for professional land surveyors and land surveyors-in-training. The Department administers examinations provided by the National Council of Examiners for Engineering and Surveying (NCEES). NCEES has changed the scoring of the examinations to pass/fail. Previously, a score of 70 or better was required on the NCEES exams as well as the Illinois Jurisdictional Examination, which also is being changed to pass/fail. These amendments are being proposed to keep Illinois in line with national standards.

These proposed amendments also establish that candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.

Applicants for licensure by examination will be required to file applications with the Department by November 15 for the spring examination and by May 15 for the fall examination. Currently the filing deadlines are December 1 and June 1. The dates are being moved up because NCEES has moved up the dates by which the examinations must be ordered.

Other proposed changes involve style and form.

6) Will these proposed amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed land surveyors.

B) Reporting, bookkeeping or other procedures required for compliance:

Applicants for licensure by examination will need to file their applications 15 days earlier than in the past.

C) Types of professional skills necessary for compliance:

Land surveying skills are necessary for licensure.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270
ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section
1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10 Application for Licensure as a Professional Land Surveyor by Examination
1270.13 Experience
1270.15 Definition of Related Science
1270.20 Examinations
1270.30 Endorsement
1270.35 Inactive Status
1270.40 Discrimination (Repealed)
1270.40 Restoration
1270.45 Corporations and Partnerships
1270.50 Renewals
1270.60 Granting Variances

AUTHORITY: Implementing the Illinois Professional Land Surveyors Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended by 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. _____, effective _____.

Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination

a) An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the "Act") [225 ILCS 330] shall file an application, on forms supplied by the Department of Professional Regulation (the "Department"), by November 15 ~~December 1~~ for the spring examination and May 15 ~~June 1~~ for the fall examination. The application shall include the following:

1) Certification of education completed by the educational institution attended and/or experience verified by the employer of one of the following:

A) A baccalaureate degree in land surveying from an accredited college or university;

B) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses;

C) A baccalaureate degree in a related science, as defined in Section 1270.15, from an accredited college or university and 2 ~~two (2)~~ years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 8 months;

D) An associate degree in land surveying technology from an accredited junior college and 3 ~~three (3)~~ years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 12 months;

E) An associate degree in engineering technology from an accredited junior college and 4 ~~four (4)~~ years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 16 months;

F) An associate degree in a related science from an accredited junior college and 6 ~~six (6)~~ years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 24 months; or

G) A high school diploma or GED and 8 ~~eight (8) years~~ of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 32 months.

2) A complete work history indicating all employment since fulfillment of the educational requirements set forth in subsection (1) above.

3) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

4) The required fee specified in Section 21 of the Act.

b) *Beginning January 1, 1998, an applicant shall have a baccalaureate degree in land surveying from an accredited college or university, or a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution* (Section 13 of the Act).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Department by November 15 ~~December 1~~ for the spring

examination and May 15 ~~June 1~~ for the fall examination. The application shall include the following:

a) Educational and experience requirements.

1) Applicants filing after January 1, 1986:

A) Shall have met one of the educational and experience requirements set forth in Section 1270.5;

B) Shall have been issued a license as a Professional Land Surveyor-in-Training; and

C) Shall have completed at least 4 ~~four (4)~~ years of experience in land surveying approved in accordance with Section 1270.13(a), (b), (c) and (d)(1). Such experience shall be subsequent to passage of the Fundamentals of Land Surveying examination.

2) Applicants who have obtained 4 ~~four (4)~~ years of experience or more in the practice of land surveying PRIOR TO January 1, 1982:

A) Shall have met one of the educational and experience requirements set forth in Section 1270.5(a)(1); and

B) Shall have completed at least 4 ~~four (4)~~ years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1). Applicants shall be permitted to continue acquiring experience without being issued a Professional Land Surveyor-in-Training license.

b) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

2) A description of the examination in that jurisdiction; and

3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

c) Verification of experience form, completed by the employer, indicating the required 4 ~~four (4)~~ years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1).

d) A complete work history indicating all employment since fulfillment of the educational requirements set forth in Section 1270.5.

e) The required fee specified in Section 21 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1270.20 Examinations

a) An applicant for licensure as a Professional Land Surveyor-in-Training shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

b) An applicant for licensure as a Professional Land Surveyor who is licensed as a Professional Land Surveyor-in-Training shall pass the following examinations:

1) NCEES Principles and Practice of Land Surveying Examination; and

2) Illinois Jurisdictional Examination.

c) An applicant for licensure as a Professional Land Surveyor who originally applied prior to January 1, 1986, who is not licensed as a Professional Land Surveyor-in-Training shall pass the following examinations:

1) NCEES Fundamentals of Land Surveying Examination;

2) NCEES Principles and Practice of Land Surveying Examination; and

3) Illinois Jurisdictional Examination.

d) Any applicant for licensure as a Professional Land Surveyor who did not pass the NCEES Public Domain examination before it became part of the NCEES

Principles and Practice of Land Surveying Examination, effective May 1, 1992, shall be required to take and pass the 6-hour Principles and Practice of Land Surveying Examination, even if he/she had passed the 4-hour Principles and Practice Examination previously administered concurrently with the Public Domain exam.

~~c) In order to pass the examination(s) an applicant shall achieve the following:~~

~~1) a score of 70 or greater on the NCEES Fundamentals of Land Surveying Examination;~~

~~2) a score of 70 or greater on the NCEES Principles and Practice of Land Surveying Examination; and~~

~~3) a score of 70 or greater on the Illinois Jurisdictional Examination.~~

e) The scoring of the NCEES Fundamentals of Land Surveying Examination and the NCEES Principles and Practice of Land Surveying Examination and the determination of scores shall be as approved by NCEES. Separate scores shall be given for each examination and the scores shall be reported as pass/fail.

f) The Illinois Jurisdictional Examination shall be reported as pass/fail. The Jurisdictional Examination shall include, but not be limited to, the following areas:

1) Local History;

2) Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);

3) Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);

4) Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and

5) Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).

DEPARTMENT OF PROFESSIONAL REGULATION

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g) The Department shall not use any of the subject area scores from the parts of previous state constructed examinations for the purpose of deriving the required passing score for any examination required by this Section.

h) Retake of examination.

1) Applicants who do not pass ~~obtain a score of less than 70 on~~ the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination or the Illinois Jurisdictional examination will be required to retake only the examination(s) failed.

2) If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee (Section 11 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application with the exception provided in subsection (3).

3) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.

i) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Savings Bank Act

2) Code Citation: 38 Ill. Adm. Code 1075

3)

Section number	Proposed Action
1075.1100	Amendment
1075.1105	Repealed, New
1075.1110	Repealed, New
1075.1115	Repealed, New
1075.1120	Repealed, New
1075.1125	Repealed
1075.1130	Repealed
1075.1135	Repealed
1075.1140	Repealed
1075.1145	Repealed
1075.1150	Repealed
1075.1155	Repealed
1075.1160	Repealed
1075.1165	Repealed
1075.1170	Repealed
1075.1175	Repealed
1075.1180	Repealed
1075.1185	Repealed
1075.1190	Repealed
1075.1195	Repealed
1075.1200	Repealed
1075.1205	Repealed
1075.1210	Amendment
1075.1215	Amendment
1075.1220	Amendment
1075.1225	Repealed, New
1075.1230	Amendment
1075.1235	Amendment
1075.1240	Amendment
1075.1245	Amendment
1075.1270	Amendment
1075.1275	Repealed, New
1075.1285	Amendment
1075.1290	Amendment
1075.1295	Amendment
1075.1305	Amendment
1075.1310	Amendment
1075.1315	Amendment
1075.1330	New Section
1075.2175	New Section

4) Statutory Authority: Implemented and authorized by the Savings Bank Act (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205 1001 et seq.].

5) A complete description of the subjects and issues involved: The Savings Bank Act, which was enacted into law on August 30, 1990, created a new depository institution for the State of Illinois, one which combines the elements of commercial banking, retail consumer deposit accounts and residential lending and services.

Sections 1075.1100 through 1075.1330
These Sections constitute the Commissioner's regulations for Illinois savings bank holding companies, both stock holding companies and mutual holding companies (Subpart J). The proposed amendments to this Subpart would serve to: clarify the applicability of the regulations generally and clarify which requirements apply to stock holding companies and which to mutual holding companies; specify the procedures and requirements for reorganzing a mutual savings bank into a mutual holding company with a stock savings bank subsidiary(ies), including procedures and requirements for offering stock in the stock subsidiary(ies); specify the type of institutions that a mutual holding company may merge with or acquire and the procedures and requirements for doing so; and specify the procedures and requirements for converting a mutual holding holding company to a stock holding company, including the procedures and requirements for offering stock in the stock holding company.

Section 1075.2175
On June 7, 1993, rules promulgated under the authority of the Savings Bank Act were amended to include Subpart O: Conversion of Mutual Savings Bank to Capital Stock Savings Bank. The proposed amendment is to clarify existing authority to form a holding company in conjunction with a mutual to stock conversion.

6) Will these proposed amendments replace emergency amendments currently in effect? Section 1075.2175 was added as an emergency rule at 18 Ill. Reg. 7016, effective April 22, 1994.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? The amendments require stock offerings for mutual holding company stock subsidiaries and for mutual holding company conversions to stock holding company to be carried out

pursuant to the Commissioner's mutual to stock conversion regulations at Subpart O of the Commissioner's Rules (Sections 1075.1800 through 1075.2580).

9) Are there any other proposed amendments pending to this Part? No.

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Mr. Jay R. Stevenson, Deputy Commissioner
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 61701-1509
Telephone: (217) 782-6169

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 17, 1994.

B) Types of small businesses affected: None.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance: Legal, accounting, appraisal, securities underwriting and sales skills are necessary for compliance of this rulemaking.

The full text of the Proposed Amendments begins on the next page.

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SAVINGS BANK ACT

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AUTHORITY: Implementing and authorized by the Savings Bank Act (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205 1001 et seq.].

SOURCE: Emergency Rules Adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendments adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART J: SAVINGS BANK HOLDING COMPANIES

Section 1075.1100 Applicability

a) This Subpart shall apply to ~~all~~ stock holding companies~~,~~ ~~mutual holding companies~~ or savings banks that directly or indirectly~~,~~ own or control or seek to own or control 25% or more of the voting shares or rights of any insured institution in any manner~~, except where~~ and to mutual holding companies and mutual savings bank reorganizing as mutual holding companies. This Subpart does not apply when such ownership arises in the regular course of business as set forth in Section 2001.05 of The Act.

b) Except with the permission of the Commissioner~~,~~ and the Federal Reserve Board (FRB), no company shall become a

savings bank holding company. ~~with the power to hold or vote, directly or indirectly, 25% or more of the voting stock of one or more institution.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1105 ~~**Plain Meaning/Strict Interpretation**~~ Definitions

~~As used in this Part, unless the context indicates otherwise, all words shall have their plain meaning, and as used in this Part, all regulations in this Part shall be subject to strict interpretation.~~

"Acquiree savings bank" means any subsidiary savings bank, other than a resulting savings bank, that is acquired by a mutual holding company as part of, and concurrently with, a mutual holding company reorganization and is in mutual form immediately prior to such acquisition.

"Affiliate" means any company that controls, is controlled by, or is under common control with a person.

"Assets" means the total assets of the savings bank minus goodwill and any other intangible assets, including but not limited to, purchased deposit base and branch network, and leasehold improvements net of accumulated depreciation.

"Books of records" wherein the original accounting entries are recorded, presented, etc. and maintained as a part of an accounting number finally presented in the financial statements of an entity. Examples include: check registers, loan registers, cash disbursements ledgers, capital asset ledgers, general ledgers, working trial balances.

"Capital stock" includes permanent stock, guaranty stock, permanent reserve stock, any similar certificate evidencing nonwithdrawable capital, preferred stock, or convertible preferred stock of a savings bank created or acquired under this Subpart or of a subsidiary, institution or holding company.

"Charter" includes articles of incorporation, articles of reincorporation, or any similar instrument, as amended, effecting (either with or without filing with any government agency) the organization or creation of an incorporated or unincorporated person.

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"Company" means a corporation, or partnership, a savings bank, a joint stock company, a trust or an unincorporated organization.

"Control" is defined as it is in Section 1007.35 of The Act.

"Eligible account holder" means any person holding a qualifying deposit as of a given date.

"Eligibility record date" shall mean the record date for determining eligible account holders of an institution.

"Employee" does not include a director or an officer.

"Equity security" means any stock or similar security or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such security, or any such warrant or right.

"Insured institution" shall, for purposes of this Subpart, include any institution with accounts insured by the Federal Deposit Insurance Corporation (FDIC).

"Member" means any person qualifying as a member of an insured institution pursuant to its charter or bylaws.

"Mutual savings bank" means a mutual savings bank organized and operating under the Act.

"Net worth" means the aggregate of capital stock accounts, capital surplus and retained earnings accounts and all other reserve accounts except valuation reserves and specific reserves which are in the nature of valuation reserves.

"Person" means an individual, a company, or a government or political subdivision thereof.

"Pre-existing depository institution" means a subsidiary depository institution that is not an acquiree savings bank, a resulting savings bank or bank, or a savings bank in mutual form when acquired.

"Purchase" and "Buy" include every contract to purchase, buy, or otherwise acquire a security or interest in a security for value.

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"Qualifying deposit" means a deposit determined pursuant to Section 1075.1935 of this Part.

"Reorganizing savings bank" means a mutual savings bank that proposes to reorganize to become a mutual holding company pursuant to this Subpart.

"Resulting savings bank" means a savings bank in stock form that is organized as a subsidiary of a reorganizing savings bank to receive the substantial portion of the assets, all the insured deposits, and part or all of the other liabilities of the reorganizing savings bank.

"Sale" and "Sell" include every contract to sell or otherwise dispose of a security or interest in a security for value; but these terms do not include an exchange of securities in connection with a merger or acquisition approved by the Commissioner.

"Security" includes any stock, note, treasury stock, bond, debenture, transferable share, investment contract, voting trust certificate, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant, or right to subscribe to or purchase any of the foregoing.

"Source documents" means documents which record the transaction of a business event, such as a sale of inventory, a purchase of a capital asset, establishment of a debt, or receipt of goods ordered. Typical source documents include sales invoices, bills of sale, purchase orders, and delivery tickets. Periodic invoices and statements of account are also examples of source documents.

"Stock" means common or preferred stock, or any other type of equity, security, including (without limitation) warrants or options to acquire common or preferred stock, or other securities that are convertible into common or preferred stock.

"Subsidiary" of a specified person is an affiliate company controlled by the person, directly or indirectly through one or more intermediaries.

(Source: Section 1075.1105 repealed, new Section added at 18 Ill. Reg. _____, effective _____)

Section 1075.1110 ~~**Affiliate**~~ Mutual Holding Company Reorganizations

~~An affiliate of, or a person affiliated with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified.~~

A mutual savings bank may reorganize to become a mutual holding company, or join in a mutual holding company reorganization or thereafter as an acquiree savings bank or a pre-existing depository institution, only upon satisfaction of the following conditions:

a) A Reorganization Plan is approved by a majority of the board of directors of the reorganizing savings bank and any acquiree savings bank or pre-existing depository institution.

b) A Reorganization Notice is filed with the Commissioner and the Commissioner has given written notice of its approval of the proposed reorganization.

c) The Reorganization Plan is submitted to the members of the reorganizing savings bank and any acquiree pursuant to a proxy statement cleared in advance by the Commissioner and such Reorganization Plan is approved by two-thirds of the total votes of the members of each savings bank eligible to be cast at a meeting held at the call of each savings bank's directors in accordance with the procedures prescribed by each savings bank's charter and bylaws; and when the Reorganization Plan involves acquiring a pre-existing depository institution, the Plan is submitted to the stockholders of the pre-existing depository institution and is approved by the majority of the total votes of the shareholders eligible to be cast at a meeting held at the call of the institution's directors in accordance with the institution's charter and bylaws.

d) All necessary regulatory approvals have been obtained and all requirements of this Subpart are met.

(Source: Section 1075.1110 repealed, new Section added at 18 Ill. Reg. _____, effective _____)

Section 1075.1115 ~~**Assets**~~ Prohibition Against Approval of Certain Applications for Reorganization

~~Assets of a savings bank means the total assets of the savings bank~~

~~minus goodwill and any other intangible assets, including but not limited to, purchased deposit base and branch network, and leasehold improvements net of accumulated depreciation.~~

No application for reorganization may be approved by the Commissioner if:

a) The plan of reorganization adopted by the applicant's board of directors is not in accordance with this Subpart;

b) The reorganization reasonably could be expected to result in a resulting or acquiree savings bank or pre-existing depository institution with capital below requirements established by the Commissioner and by Federal law;

c) The reorganization results in a taxable reorganization under the United States Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), and the Commissioner upon a written finding determines that the reorganization will endanger the safety and soundness of a resulting or acquiree or preexisting savings bank; or

d) A resulting savings bank does not secure insurance of its deposit accounts backed by the full faith and credit of the United States government before reorganization.

(Source: Section 1075.1115 repealed, new Section added at 18 Ill. Reg. _____, effective _____)

Section 1075.1120 ~~**Books of Record**~~ Contents of Reorganization Plans

~~Books or records wherein the original accounting entries are recorded, presented, etc. and maintained as a part of an accounting number finally presented in the financial statements of an entity. Examples include: check registers, loan registers, cash disbursements ledgers, capital asset ledgers, general ledgers, working trial balances.~~

Each Reorganization Plan shall contain a complete description of all significant terms of the proposed reorganization, shall attach and incorporate any Stock Issuance Plan proposed in connection with the Reorganization Plan, and shall:

(a) Provide for amendment of the charter and bylaws of the reorganizing savings bank in accordance with this Subpart and attach and incorporate such charter and bylaws;

(b) Provide for the incorporation and organization of the

resulting savings bank in accordance with this Subpart and attach and incorporate all required material;

(c) Provide for amendment of the charter and bylaws of any acquiree savings bank to read in the form of the charter and bylaws of a stock savings bank and attach and incorporate such charter and bylaws;

(d) Provide for the transfer of assets and liabilities pursuant to Section 2007(a)(2) of The Act and this Subpart from the reorganizing savings bank to the resulting savings bank;

(e) Provide that all assets, rights, obligations, and liabilities of whatever nature of the reorganizing savings bank that are not expressly retained by the mutual holding company shall be deemed transferred to the resulting savings bank;

(f) Provide that each depositor in the reorganizing savings bank, any acquiree savings bank, or any pre-existing depository institution immediately prior to the reorganization shall upon consummation of the reorganization receive, without payment, an identical account in the resulting savings bank or the acquiree savings bank, as the case may be (Appropriate modifications shall be made to this provision if a merger is a part of the reorganization);

(g) Provide that the Reorganization Plan as adopted by the boards of directors of the reorganizing savings bank, any acquiree savings bank and any pre-existing depository institution may be substantively amended by those boards of directors as a result of comments from regulatory authorities or otherwise prior to the solicitation of proxies from the members of the reorganizing savings bank and any acquiree savings bank or stockholders of any pre-existing depository institution to vote on the Reorganization Plan and at any time thereafter with the concurrence of the Commissioner; and that the reorganization may be terminated by the board of directors of the reorganizing savings bank, any acquiree savings bank or any pre-existing depository institution at any time prior to the meeting of the members or stockholders called to consider the Reorganization Plan and at any time thereafter with the concurrence of the Commissioner;

(h) Provide that the Reorganization Plan shall be terminated

if not completed within a specified period of time. The time period shall not be more than 24 months from the date upon which the members of the reorganizing savings bank or the date upon which the members of any acquiree savings bank, or stockholder of any pre-existing depository institution, whichever is earlier, approve the Reorganization Plan and may not be extended by the reorganizing or acquiree savings bank or the pre-existing depository institution; and

(i) Provide that the expenses incurred in connection with the reorganization shall be reasonable.

(Source: Section 1075.1120 repealed, new Section added at 18 Ill. Reg. _____, effective _____)

Section 1075.1125 Capital Stock (Repealed)

~~The term "capital stock" includes common stock, guaranty stock, permanent reserve stock, or any similar certificate evidencing non-withdrawable capital.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1130 Charter (Repealed)

~~The term "charter" includes articles of incorporation, articles of savings bank, or any similar instrument, as amended, effecting (either with or without filing with any government agency) the organization or creation of an incorporated or unincorporated person.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1135 Control (Repealed)

~~The term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1140 Eligible Account Holder (Repealed)

~~The term "eligible account holder" means any person holding a qualifying deposit as of a given date.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1145 Eligibility Record Date (Repealed)

~~"Eligibility record date" shall mean the record date for determining eligible account holders of an institution.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1150 Employee (Repealed)

~~The term "employee" does not include an officer or a director.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1155 Equity Security (Repealed)

~~The term "equity security" means any stock or similar security, or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such security, or any such warrant or right.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1160 Insured Institution (Repealed)

~~For purposes of this Part, the term "insured institution" shall include any institution with accounts insured by the Federal Deposit Insurance Corporation (FDIC).~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1165 Member (Repealed)

~~The term "member" means any person qualifying as a member of an insured institution pursuant to its charter or bylaws.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1170 Net Worth (Repealed)

~~The term "net worth" means the aggregate of capital stock accounts, capital surplus and retained earnings accounts and all other reserve accounts except valuation reserves and specific reserves which are in the nature of valuation reserves.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1175 Officer (Repealed)

~~The term "officer" means the chairman of the board, president, vice president, secretary, treasurer, or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1180 Person (Repealed)

~~The term "person" shall mean an individual, a corporation, a partnership, an savings bank, a joint stock company, a trust, any incorporated organization whether incorporated or unincorporated.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1185 Qualifying Deposit (Repealed)

~~The term "qualifying deposit" shall be the total of the deposit balances in the eligible account holders savings accounts as of the close of business on the eligibility record date. However, the plan of conversion may provide that any savings account with total deposit balances of less than $50 (or any lesser amounts) shall not constitute a qualifying deposit.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1190 Sale (Repealed)

~~The term "sale" and "sell" includes every contract to sell or otherwise dispose of a security or interest in a security for value, but such terms do not include an exchange of securities in connection with a merger or acquisition approved by the Commissioner, or the FDIC.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1195 Security (Repealed)

~~The term "security" includes any stock, note, treasury stock, bond, debenture, transferable share, investment contract, voting trust certificate, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant, or right to subscribe to or purchase any of the foregoing.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

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Section 1075.1200 Source Documents (Repealed)

~~The term "source documents" means documents which record the transaction of a business event, such as a sale of inventory, a purchase of a capital asset, establishment of a debt, or receipt of goods ordered. Typical source documents include sales invoices, bills of sale, purchase orders, and delivery tickets. Periodic invoices and statements of account are also examples of source documents.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1205 Subsidiary (Repealed)

~~A "subsidiary" of a specified person is an affiliate, controlled by such person, directly or indirectly through one or more intermediaries.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1075.1210 Liquidation Account and Proxies

a) Each mutual savings bank converting to form a holding company must establish a "liquidation account" for members of the mutual savings bank prior to conversion. The total amount allocated to the liquidation account shall be equivalent to the amount of stock issued to the holding company by the stock subsidiary upon infusion of assets and liabilities to the stock subsidiary.

b) Each member of the liquidation account who maintains an account in the stock subsidiary savings bank(s) shall be entitled, upon liquidation of the mutual holding company, to a fractional share of the value of the mutual holding company. The numerator of the fractional share shall be the amount of qualifying deposits in the member's account on the record eligibility date, which date shall be set by the board of directors in their plan of conversion and/or application to form a mutual holding company, and/or the supplemental eligibility record date and the denominator of the fractional share shall be the total amount of qualifying deposits of all eligible and supplemental eligible account holders in the converting mutual savings bank on the eligibility record date. Any plan to liquidate the mutual holding company must be approved by the Commissioner and must satisfy all claims of creditors, including liquidation account holders. Any remaining value in the mutual holding company shall be transferred to the capital accounts of the subsidiary

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stock savings bank(s).

c) All proxies previously executed and assigned by members of the mutual savings bank converting to form a holding company shall remain valid and effective without impairment as long as the member maintains an account in the new stock savings bank.

d) A liquidation account need not be established under this Section if one is established under Section 1075.1225 and Subpart O of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1215 Mutual Holding Company Ceasing to be a Depository Institution

a) Each mutual savings bank which converts to holding company status in conjunction with the chartering of a stock subsidiary shall be issued a "restated or amended charter" as a mutual ~~thrift~~ holding company by the Commissioner and the directors shall either return the original charter, insurance undertakings and certificate of insurance to the issuing authority, as evidence of ceasing to ~~be~~ an insured depository institution~~. These items~~ or may ~~be~~ transfer~~red~~ them to the stock subsidiary with permission of the Commissioner. Such permission shall be given upon successful completion of an examination to assure conformance with regulatory and statutory requirements.

b) Upon the issuance of the charter ~~as~~ of a ~~mutual~~ stock savings bank by the Commissioner, a mutual holding company shall cease to be a savings bank~~, thrift, savings and loan savings bank, or depository institution of any type~~.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1220 Directors of a Mutual Holding Company

a) Each new board of directors for the mutual holding company shall be selected by vote of members, in a process to be determined by the bylaws of each entity.

b) Each board of directors shall have at least five (5) members.

c) The provisions of Sections 4008, 4009, 4010, and Article

11 of The Act shall apply to a mutual holding company with regard to directors' vacancies, directors' attendance at meetings, qualifications to be a director, enforcement powers, and similar matters, except that the mutual holding company may file a written request for waiver of compliance with any provision with the Commissioner. Such request must provide detailed discussion of the grounds for such request. In determining whether to grant a waiver of compliance, the Commissioner shall consider the following factors, including, but not limited to:

1) where application of those provisions to mutual holding companies would be inappropriate because the provisions were drafted for savings ~~and loans~~ banks;

2) where a mutual holding company and its subsidiary meet or exceed all applicable capital requirements and are not in violation of any statutes, rules or regulations;

3) where there are not current contested or regulatory matters; and

4) where waiver would work undue hardship or result in undue advantage or risk, prejudicing a situation currently or in the future.

d) Upon creation of the ~~stock subsidiary~~ resulting savings bank, the board of directors of the ~~original mutual~~ reorganizing savings bank shall nominate a board of directors for the ~~stock subsidiary~~ resulting savings bank.

e) A mutual holding company may provide for cumulative voting for directors in its bylaws.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1225 ~~**Stock Sales**~~ Stock Issuance Plan

~~At least 51% of the stock issued by the subsidiary stock savings bank must be owned by the holding company.~~ If the reorganizing savings bank shall offer stock to any party other than the mutual holding company, it shall submit a stock issuance plan which shall meet the following conditions:

a) At all times, a mutual holding company shall own and control more than 50% of each class of common stock, and

more than 50% of the capital stock in the aggregate, issued by the resulting savings bank, any acquiree savings bank, or any savings bank in the mutual form when acquired. The foregoing restriction shall not apply to an acquisition by a mutual holding company of a pre-existing depository institution.

b) Any capital stock issued and offered for sale by a subsidiary savings bank as described in subsection (a) above, to persons other than the mutual holding company shall be offered in accordance with Subpart O of this Part, but subject to subsection (d) below, of this Part except that:

1) the words "mutual savings bank" shall refer to resulting savings banks or acquiree savings bank;

2) references to conversion from mutual to stock form shall refer to mutual holding company reorganization;

3) the words "plan of conversion" shall refer to the Reorganization Plan;

4) the words "total offering' and "offering" shall refer to the minority portion of the capital stock issuance that may be offered and purchased by persons other than the mutual holding company;

5) Sections 1075.1990 and 1075.2170 of this Part shall not apply;

6) At Section 1075.2110 of this Part, the reference to Section 1075.2160 of this Part shall not apply and the words "converted savings bank" shall refer to the resulting stock savings bank;

7) Nothing in Section 1075.2150 of this Part shall interfere with the requirements of Subsection (a), above; and

8) At Section 1075.1950 of this Part, receipt of a liquidation distribution from the liquidation account shall be in the event of a complete liquidation of the mutual holding company rather than the converted savings bank; and

c) to the extent the pricing materials submitted pursuant to Subpart O of this Part include any discount due to the

minority status of the stock to be offered, the materials must indicate the amount of the discount and how that amount was determined. Furthermore, if the plan calls for a waiver of dividends for the shares owned by the mutual holding company, the materials should indicate whether this waiver results in an ability to pay higher dividends to minority shareholders and, if so, why the discount is nonetheless warranted;

d) the Commissioner may waive a requirement of Subpart O of this Part upon a finding that such waiver would not work an injury on the mutual holding company or its subsidiaries, that it would not be inequitable to members and eligible account holders, that the reorganization, if the waiver is granted, provides protections and opportunities equivalent to those that would exist if no waiver were granted, and that no other course of action that fully complies with Subpart O of this Part and this Subpart exists.

(Source: Section 1075.1225 repealed, new Section added at 18 Ill. Reg. _____, effective _____)

Section 1075.1230 Stock of a Subsidiary of a Mutual Holding Company

a) ~~The stock subsidiary~~ A resulting savings bank shall issue shares to the holding company only after sufficient assets to match transferred deposit liabilities are transferred to the ~~subsidiary~~ resulting savings bank and, if applicable, an acquiree savings bank and after written confirmation of continuation of insurance of accounts is received from the appropriate Federal Depository Insurance Corporation or its agent.

b) Stock issuance shall initially be only common stock, but other classes of stock may be issued upon application to and approval by the Commissioner.

c) Each share of common stock shall entitle its owner to one vote.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1235 Stock Subsidiary Formation

In conjunction with the formation of a ~~stock subsidiary~~ resulting savings bank of a mutual ~~thrift~~ holding company, the requirements of Article 3, INCORPORATION AND ORGANIZATION of The Act shall apply

with the following additions:

a) In the case of a change of corporate form, which does not alter the assets and liabilities of the ~~original~~ reorganizing savings bank, or any acquiree savings bank, as transferred to the resulting ~~stock subsidiary~~ savings bank with regard to their amount or quality, the "minimum initial capital...which would be required in order to obtain insurance of accounts by the Federal Deposit Insurance Corporation" shall mean the amount of minimum capital which the ~~original~~ reorganizing savings bank, or any acquiree savings bank, was required to have to maintain its federal insurance of accounts.

b) The application to organize shall be made by the directors of the ~~original~~ reorganizing savings bank. Copies of directors' and officers' affidavits and statements of personal interest from the last five (5) years' examination reports may be submitted to the Commissioner to the extent that they provide business and financial information on affiliations with any other financial institutions. Each applicant shall submit amendments to these materials to provide omitted, but required, information.

c) Exhibits and maps shall display the original and new savings bank's customer area, and provide quarterly Federal and/or State reports for the four quarters preceding application, as well as the ~~original~~ reorganizing savings bank's last two (2) audited financial statements.

d) The Commissioner may require information as to:

1) how stock shall be distributed. Such reports shall be required upon formation of the holding company, prior to issuance or marketing of stock and at any other time necessary to ensure fundamental fairness to stockholders, members, depositors and for reasons related to the safe and sound financial operation of ~~the savings bank~~ any resulting savings bank, acquiree savings bank, or pre-existing depository institution;

~~2) whether depositors of the old savings bank shall continue to hold voting and membership rights in the new savings bank~~;

~~3~~2) the form and manner of expressing ownership; and

~~4~~3) the amount of treasury stock which shall be held; and any planned issuances of capital stock or equity securities, with projected dates and amounts.

e) Once the ~~stock subsidiary~~ resulting savings bank is formed, if the ~~original mutual~~ reorganizing savings bank no longer retains any deposits, it shall no longer be required to maintain insurance of accounts.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1240 Net Worth Maintenance Agreement

a) The Commissioner shall require ~~each~~ a mutual holding company to execute a "Net Worth Maintenance Agreement" for each subsidiary depository institution ~~it acquires~~. Under this Agreement the holding company shall contractually agree to infuse equity capital as needed to maintain capital at a predetermined level for each subsidiary depository institution. The Agreement shall:

1) be for a specified term and set a capital requirement at a level set by the Commissioner taking into account such factors as capital risk, ~~in a higher amount to be set by the Commissioner taking into account such factors: capital risk~~ (the risk from normal internal operations of the savings bank), market volatility (external risk to the savings bank's operations generated by uncontrolled factors such as~~:~~ equity and bond markets, money supply, inflation), and stock ownership patterns (such as common, voting common, voting preferred, non-voting preferred, etc.);

2) explicitly consent to the Commissioner's authority to require infusion of additional equity capital when he determines the savings bank fails to meet its capital requirements~~.~~; ~~Such a determination shall be in accordance with Section 5007 of The Act;~~

3) explicitly give the Commissioner the right to vote and dispose of the stock of any subsidiary institutions whose capital is not restored within five (5) business days of the Commissioner's determination of the need for additional capital; and

4) establish procedures to effectuate subsection (a)(3) above including provision of notice to all affected parties and selection of time and place at which the vote and disposition will occur.

b) The Commissioner's right to vote stock shall include all shareholder matters, including the right to remove and replace the Board of Directors, the right to merge the savings bank and the right to sell the stock.

c) The Commissioner shall base determination of a capital deficiency upon:

1) reports from the subsidiary savings bank or the mutual holding company and, or;

2) audited financial statement of the mutual holding company or the subsidiary savings bank and, or;

3) examination, including examination by another government regulator, or a federal deposit insurance company, of the mutual holding company or the subsidiary savings bank.

d) In determining adequacy of capital, the Commissioner shall review and examine the financial condition of entities which are affiliates or subsidiaries of the holding company and of the subsidiary savings bank. If there is a determination by the Commissioner that the subsidiary activity of the holding company represents a higher level of risk to the savings bank that existed prior to the application of the holding company formation, a higher capital amount shall be required and the basis of the Commissioner's decision shall be communicated in writing within thirty (30) days to the savings bank and holding company.

e) All infusions to capital under this Section must be in cash or cash equivalent instruments such as: overnight deposits and federal funds.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1245 Members' Rights

Rights of members of the ~~original mutual thrift~~ resulting savings bank acquiree savings bank, and any savings banks in the mutual form when acquired shall be transferred to the mutual holding company, except that a savings bank may eliminate borrowers' rights

in the process of forming the holding company by incorporating a new definition of membership in the holding company's and subsidiaries' Articles of Incorporation. Each depositor in the ~~stock subsidiary~~ resulting savings bank, an acquiree savings bank, and any savings banks in the mutual form when acquired shall be a member of the mutual holding company and shall have one vote for each $100 of value of each account; notwithstanding the foregoing restriction, a mutual holding company may upon giving notice to the Commissioner limit the number of votes cast by any person to 1000 votes unless the Commissioner finds the limitation is inequitable to depositors.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1270 Acquisition and Disposal of a Subsidiaryies

a) As permitted by the Act, the rules promulgated thereunder, and applicable federal law, a mutual holding company, with approval of its board of directors, the Commissioner, and its members, may:

1) acquire control of, or make non-controlling investments in the stock of, a stock depository institution or stock depository institution holding company;

2) may acquire a mutual savings bank or savings bank, upon approval of acquiree's board of directors and members, pursuant to a merger into the resulting savings bank, an acquiree savings bank, or other savings bank that was in the mutual form when acquired or with a bridge charter;

3) may acquire a mutual savings bank or savings bank holding company, upon approval of the acquiree's board of directors and members, by merging with the mutual savings bank holding company;

4) acquire control of, or make non-controlling investments in the stock of, other corporations.

b) A stock holding company may make acquisitions or investments or enter into mergers as permitted by the Act, the rules promulgated thereunder, and applicable federal law with approval of its board of directors, the Commissioner, and its stockholders.

c) A holding company disposing of a subsidiary shall give

not less than thirty (30) days prior notice of such planned disposition to the Commissioner. Disposal of a subsidiary must be approved by the Commissioner.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1275 ~~Dividends~~ Dividend Limitations and Waivers

~~The declaration of dividends on capital by a stock subsidiary shall be subject to the following restrictions.~~

~~a) No dividends may be declared when the total amount of capital of such subsidiary is less than that required by the Commissioner as set forth in Section 5007 of The Act.~~

a) No subsidiary savings bank may declare or pay a cash dividend on, or repurchase any of its capital stock unless the declaration or payment of the dividend or repurchase would be in accordance with the requirements of Section 5008 of The Act and would not reduce the capital of the converted savings bank below the greatest of:

1) the amount required for the liquidation account;

2) the amount required by the Commissioner; or

3) the amount required by federal law.

~~b) Cash dividends may be declared as often as quarterly on shares of stock, after payment or provision has been made for all expenses, losses, required reserves and dividends on withdrawable capital. A stock dividend may be declared out of undivided profits at any time.~~

b) A converted mutual savings bank may pay dividends on preferred stock at the rate or rates agreed in connection with the issuance of preferred stock, if such issuance has been approved by the Commissioner. However, the Commissioner shall approve no issuance or payment that would reduce the capital of the converted savings bank below the greatest of:

1) the amount required for the liquidation;

2) the amount required by the Commissioner; or

3) the amount required by federal law.

c) No mutual holding company may waive its right to receive any dividend declared by a subsidiary unless either:

1) No insider of the mutual holding company, associate of an insider, or tax-qualified or non-tax-qualified employee stock benefit plan of the mutual holding company holds any share of stock in the class of stock to which the waiver would apply; or

2) The mutual holding company provides the Commissioner with written notice of its intent to waive its right to receive dividends 30 days prior to the proposed date of payment of the dividend, and the Commissioner does not object. The Commissioner shall not object to a notice of intent to waive dividends if:

A) the waiver would not be detrimental to the safe and sound operation of the savings bank; and

B) the board of directors of the mutual holding company expressly determines that waiver of the dividend by the mutual holding company is consistent with the directors' fiduciary duties to the mutual members of such company. A dividend waiver notice shall include a copy of the resolution of the board of directors of the mutual holding company, in form and substance satisfactory to the Commissioner, together with any supporting materials relied upon by the board, concluding that the proposed dividend waiver is consistent with the board's fiduciary duties to the mutual members of the mutual holding company.

(Source: Section 1075.~~1275~~ repealed, new Section added at 18 Ill. Reg. _____, effective _____)

Section 1075.1285 Access to Books and Records

Access to subsidiaries' and holding companies' books and records shall be subject to The Act, the Illinois Business Corporations Act (~~Ill. Rev. Stat. 1987, ch. 32, par. 157.1~~ 805 ILCS 5/1.01 et seq.), and the Illinois Freedom of Information Act (~~Ill. Rev. Stat. 1987, ch. 116, par. 201~~ 5 ILCS 140/1 et seq.), ~~and the United States Administrative Procedure Act (5 U.S.C. 552)~~. Access to the books and records of savings banks held as subsidiaries shall be

subject to Section 4013 of The Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1290 Annual Audit Requirements

Every ~~registrant~~ holding company shall cause its books and records to be audited at least once annually by an independent licensed public accountant. The Commissioner shall receive a copy of the licensed public accountant's annual audit report, along with all supporting documentation. The report of audit shall be on a consolidated basis unless, in the auditor's opinion, certain subsidiaries or parent entities should be reported on separately. If separate reports are prepared, they should be prepared on the same basis as the report on the holding company. ~~A "registrant" for purposes of this Section of this Part shall refer to each holding company subject to Section 2002 of The Act.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1295 Maintenance of Records

Every ~~registrant~~ holding company shall maintain such corporate books and records as may be necessary to facilitate a full and complete examination of the activities of the entity. While the books and records will be primarily of an accounting nature, certain other records such as minutes of meetings shall be required to document review and approval of activities and plans.

a) All accounting records shall be maintained in accordance with Generally Accepted Accounting Principles.

b) All stock entities shall maintain or cause to be maintained on their behalf full and complete lists of stockholders including address, state of residence, taxpayer identification number, amount of stock owned, and any other data considered necessary.

c) All ~~registrants~~ holding companies shall prepare and maintain a full and complete book of minutes for meetings of the board of directors, executive management committees, and other meetings wherein business of a substantial nature is contemplated or transacted. This requirement shall be in effect for all subsidiary entities of the ~~registrants~~ holding companies as well.

d) Primary records such as books of record and source documents shall be maintained by the individual

~~registrant~~ holding company for a period of not less than seven (7) years, provided that if a longer retention period is prescribed by another regulatory body having jurisdiction over the ~~registrant~~ holding company, that longer period shall be followed.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1305 Holding Company Filing Fees

Filings pertaining to matters named hereafter shall be subject to the indicated fee. Such fee shall be paid at the Commissioner's Office at the time of filing. Payment shall be by check, draft, or money order made payable to the Commissioner of Savings and Residential Finance.

a) Registration fee
(Section 2002 of The Act). $1,000.00

b) Conversion of Charter
(Article 8 of The Act) $2,500.00
(Although conversion may occur, if a state-chartered savings bank is held, the holding company will still have to be licensed by the Office of the Commissioner of Savings and Residential Finance.)

c) Hearing or Oral Argument - each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument.
(Section 9018 of The Act) . . . . . $ 500.00
Each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument shall bear its pro rata share of all expenses incurred in said proceedings.

d) Application for Subsidiary Acquisition Fee, Illinois Savings Bank Holding Company.
(Article 2005 of The Act) . . . . . $ 250.00

e) Mutual Holding Company Reorganization (This Subpart). . . $10,000.00

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1310 Holding Company Supervisory Fees

a) Each savings bank holding company operating under the provisions of The Act as of the close of each calendar year shall pay annually to the Commissioner a fee of $5.00 per million dollars of consolidated assets (excluding the assets of any Illinois state-chartered savings bank or savings and loan association) of the savings bank holding company and its subsidiaries. Such fee shall be based on the total assets of each savings bank holding company and each subsidiary as shown by its financial report filed with the Commissioner for the reporting period ended December 31. Such fees shall be for the calendar year then ended. Computations shall omit hundreds from the total assets and the fee shall be rounded to the nearest thousand dollar amount.

b) One fourth of the sum of the supervisory fee so determined shall be remitted at the time of each calendar quarter end. A calendar quarter end shall mean March 31, June 30, September 30, and December 31. Such fees shall be for the respective current calendar year.

c) Supervisory fees shall be determined by the Commissioner within ninety (90) days following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

d) In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

e) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank holding company as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an savings bank holding company elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where an

savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1315 Examination Fees

Time expended in the conduct of any examination of the affairs of any savings bank or service corporation pursuant to the provisions of Section 9004 of The Act or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of ~~$29.00~~ $55.00 per examiner hour. Such fee shall be billed within forty-five (45) days following completion of the respective examination. In the situation where examination procedures are performed at out-of-state locations, the examination fee of ~~$29.00~~ $55.00 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of ~~$29.00~~ $55.00 per hour.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.1330 Conversion of Mutual Holding Companies

With approval of the Commissioner, a mutual holding company may convert to a capital stock holding company. Any capital stock issued and offered for sale by a converting holding company shall be offered in accordance with Subpart O of this Part except that:

a) The words "mutual savings bank" shall refer to mutual holding company;

b) Section 1075.2170 of this Part shall not apply unless a subsidiary depository institution does not meet applicable capital requirement and the mutual holding company is unable to meet the requirements of the applicable net worth agreement entered into under Section 1075.1240 of this Part.

c) Requirements in Subpart O of this Part for filing presentation or disclosure of financial, regulatory operations or management information shall apply to either the mutual holding company or its subsidiaries, or both, whichever filing, presentation or disclosure provides, as determined by the Commissioner, the most complete description of the mutual holding company and its subsidiaries.

d) The Commissioner may waive a requirement of Subpart O of this Part upon a finding that such waiver is not injurious or inequitable to the mutual holding company or its subsidiaries, that it is not inequitable to members or eligible account holders, that the conversion, if the waiver is granted, provides the equivalent protections and opportunities as a conversion that fully complies with Subpart O of this Part and this Section, and that no other course of action that fully complies with Subpart O of this Part and this Section exists.

(Source: Added at 18 Ill. Reg. _____, effective _____)

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section 1075.2175 Conversion of a Savings Bank in Connection with the Formation of a Holding Company

A savings bank may convert to the stock form pursuant to this Subpart as part of a transaction in which a holding company is organized to acquire upon issuance all the capital stock of the converted savings bank. In such a transaction eligible account holders, supplemental eligible account holders, and voting members of the converting savings association shall receive, without payment, nontransferable rights under Sections 1075.1835, 1075.1845 and 1075.1850 of this Part to purchase capital stock of the newly formed holding company in lieu of capital stock of the converting association. Unless clearly inapplicable, all of the requirements of this Subpart shall apply to a conversion under this Section.

(Source: Added at 18 Ill. Reg. _____, effective _____)

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

1) Heading of the Part: Long-Term Care Insurance Partnership Demonstration Program

2) Code Citation: 89 Ill. Adm. Code 260

3) Section Numbers: Adopted Action:

260.100	New Section
260.200	New Section
260.300	New Section
260.400	New Section

4) Statutory Authority: Implementing the Partnership for Long-Term Care Act [320 ILCS 35] and authorized by Section 4.01(1) of the Illinois Act on Aging [20 ILCS 105/4.01(1)].

5) Effective Date of the Rules: July 1, 1994

6) Does this rulemaking contain an automatic repeal date?
____Yes __X__No

7) Does this amendment contain incorporations by reference?
Yes, in accordance with Section 5-75 of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: June 20, 1994

9) Notice of Proposal Published in Illinois Register:

March 18, 1994: 18 Ill. Reg. 3802
(issue date)

10) Has JCAR issued a Statement of Objections to these rules:
No

11) Difference(s) between proposal and final version:

The following changes have been made subsequent to the first notice period.

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

Section 260.100

Subsection 260.100 a):

the reference to "[320 ILCS 35/1 et seq.]" has been replaced with ""[320 ILCS 35]".

Subsection 260.100 a)1):

hyphen added to "Long-Term".

Subsection 260.100 a)2):

deleted comma at the end of the line.

Subsection 260.100 b):

hyphen added to "Long-Term".

Section 260.200

Subsection 260.200 a):

comma deleted following the word "benefits" and reference to "89 Ill. Adm. Code 240.610" replaced with "89 Ill. Adm. Code 240.600".

Subsection 260.200 a)1):

added "as indicated in 89 Ill. Adm. Code 240.715,"

changed "of Part A" and replaced with "on Part A"

deleted "Determination of Need" and parentheses around "DON"

deleted comma at the end of the line.

Subsection 260.200 a)2):

hyphen added to "Long-Term".

Subsection 260.200 b):
hyphen added to "Long-Term".

the reference to "Section 260.100 (a) (1) through (3)" has been replaced with "Section 260.100 (a)".

Section 260.300

Subsection 260.300 a):

hyphen added to "Long-Term".

Subsection 260.300 b:

hyphen added to "Long-Term".

semi-colons following rule references have been replaced with commas.

Subsection 260.300 c):

Correction of "b)" to "c)" and citation "Section 260.100(a) (1) through (3)" has been replaced with "Section 260.100 (a)".

Section 260.400

Subsection 260.400 a):

hyphen added to "Long-Term" and space deleted following word "Program".

Subsection 260.400 b):

hyphen added to "Long-Term" and citation "Section 260.100 (a) (1) through (3)" has been replaced with "Section 260.100 (a)".

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and Purpose of Amendment(s):

The purpose of the rulemaking is to establish a private-public Long-Term Insurance Partnership Demonstration Program pursuant to the Partnership for Long-Term Care Act, P.A. 87-163, in which individuals who purchase private long-term care insurance that meets State standards and who sustain extended episodes of chronic illnesses, that exhaust all benefits of their private insurance, be eligible for continued care by in-home and community based supportive services and by the Medicaid Program on the basis of specific resource eligibility requirements.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 782-4842

The full text of the Adopted Rules begins on the next page:

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 260
LONG-TERM CARE INSURANCE PARTNERSHIP DEMONSTRATION PROGRAM

SUBPART A: PROGRAM OVERVIEW

Section
260.100 Authority and Purpose

SUBPART B: ELIGIBILITY

260.200 Eligibility Requirements

SUBPART C: APPEALS

260.300 Appeals

SUBPART D: SERVICES

260.400 Scope of Services

AUTHORITY: Implementing the Partnership for Long-Term Care Act [320 ILCS 35] and authorized by Section 4.01(1) of the Illinois Act on Aging [20 ILCS 105/4.01(1)].

SOURCE: Adopted at 18 Ill. Reg. _____, effective July 1, 1994.

NOTE: **Bold type denotes statutory language.**

SUBPART A: PROGRAM OVERVIEW

Section 260.100 Authority and Purpose

a) These rules are promulgated to implement the provisions of the Partnership for Long-Term Care Act [320 ILCS 35]. The Illinois Department on Aging shall administer the provisions of the Act and in so doing incorporates by reference the following. These incorporations by reference include no new amendments or editions made after the original adoption date of this Part.

1) Long-Term Care Insurance Partnership, 50 Ill. Adm. Code 2018, Illinois Department of Insurance;

2) Medical Assistance Programs, 89 Ill. Adm. Code 120.382(a)(3) and 120.386(b), Illinois Department of Public Aid; and

3) Long-Term Care Insurance Partnership Demonstration Program, 89 Ill. Adm. Code 688, Illinois Department of Rehabilitation Services.

b) The purpose of these rules is to **establish a private-public Long-Term Care Insurance Partnership Demonstration Program in which individuals who purchase private long-term care insurance that meets State standards and who sustain extended episodes of chronic illnesses that exhaust all the benefits of their private insurance be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.**

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

SUBPART B: ELIGIBILITY

Section 260.200 Eligibility Requirements

a) Individuals who are at least 60 years of age and who exhaust all Long-Term Care Insurance Partnership Demonstration Program benefits shall be considered eligible for the Department on Aging's Community Care Program, as indicated in 89 Ill. Adm. Code 240.600 through 240.875, with the following exceptions:

1) Points scored on the Determination of Need (DON), as indicated in 89 Ill. Adm. Code 240.715, need only be at least 15 points on Part A of the DON, at least 10 points of which may be earned on the Mini-Mental State Exam (MMSE); and

2) Non-exempt assets shall not exceed the sum of the allowable amount under the Community Care Program as indicated in 89 Ill. Adm. Code 240.810(a), and the amount equal to the qualifying insurance benefit payments made as a result of coverage under a Long-Term Care Insurance Partnership Policy as described in 50 Ill. Adm. Code 2018.

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

b) All other program eligibility criteria under the Long-Term Care Insurance Partnership Demonstration Program has been incorporated by reference in Section 260.100(a).

SUBPART C: APPEALS

Section 260.300 Appeals

a) All individuals at least 60 years of age have a right to appeal a denial of benefits or a designated Plan of Care under the Long-Term Care Insurance Partnership Demonstration Program. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400 through 240.485.

b) All individuals who apply for coverage under the Long-Term Care Insurance Partnership Demonstration Program have a right to appeal a denial of coverage. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400, 240.425(a), 240.430, and 240.435.

c) All other appeal provisions under the Long-Term Care Insurance Partnership Demonstration Program have been incorporated by reference in Section 260.100(a).

SUBPART D: SERVICES

Section 260.400 Scope of Services

a) All individuals who qualify for the Department on Aging's Community Care Program by having been a recipient of services provided under the Long-Term Care Insurance Partnership Demonstration Program shall receive services as provided through the Demonstration Program at a level not to exceed the maximum payment levels as described in 89 Ill. Adm. Code 240.728 and 240.729.

b) All other service provisions under the Long-Term Care Insurance Partnership Demonstration Program have been incorporated by reference in Section 260.100(a).

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Service Delivery System and State Responsibilities

2) Code Citation: 56 Ill. Adm. Code 2600

3) Section Numbers: 2600.20 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Ill. Rev. Stat. 1991, ch. 127, par. 46.42 [20 ILCS 605/46.42].

5) Effective Date of Amendments: JUN 17 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 8, 1994.

9) Notice of Proposal Published in Illinois Register: January 28, 1994 (18 Ill. Reg. 805).

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: The only changes that were made were in response to comments received from the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not Applicable.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The Job Training Partnership Act (JTPA) Amendments were signed into law in September of 1992 which revised the definition of terms used in the Act. These changes will place the State of Illinois in compliance with the JTPA Amendments of 1992.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 5th Floor

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2600
SERVICE DELIVERY SYSTEM AND STATE RESPONSIBILITIES

Section
2600.10 Legislative Base
2600.20 Definitions
2600.30 Illinois Job Training Coordinating Council
2600.40 Local Service Delivery System
2600.50 Sanctions Policy
2600.60 Governor's Coordination and Special Services Plan
2600.70 Oversight and Management of Labor Market Information Programs
2600.80 Labor Standards

AUTHORITY: Implementing Sections 46.41 and 46.49 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 46.41 and 46.49) [20 ILCS 605/46.41 and 46.49], Sections 4 and 101-184 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C 5001)); and the Illinois Job Training Coordinating Council Act (Ill. Rev. Stat. 1991, ch. 48, par. 2101 et seq.) [20 ILCS 3975] and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 46.40(b) and 46.42) [20 ILCS 605/46.40(b) and 46.42].

SOURCE: Adopted at 8 Ill. Reg. 18073, effective September 17, 1984; amended at 9 Ill. Reg. 5591, effective April 17, 1985; amended at 9 Ill. Reg. 13068, effective August 13, 1985; amended at 10 Ill. Reg. 4795, effective March 11, 1986; emergency amendment at 10 Ill. Reg. 14830, effective August 21, 1986, for a maximum of 150 days; emergency expired January 18, 1987; amended at 11 Ill. Reg. 11653, effective June 29, 1987; emergency amendment at 13 Ill. Reg. 4028, effective March 13, 1989, for a maximum of 150 days; emergency expired August 10, 1989; amended at 13 Ill. Reg. 13839, effective August 16, 1989; amended at 13 Ill. Reg. 16417, effective October 10, 1989; amended at 15 Ill. Reg. 13102, effective August 27, 1991; amended at 16 Ill. Reg. 13241, effective August 13, 1992; amended at 17 Ill. Reg. 6483, effective April 9, 1993; amended at 18 Ill. Reg. _____, effective JUN 17 1994.

Section 2600.20 Definitions

The State shall adopt the following definitions for the terms listed as follows:

"Acquisition Cost of Purchased Nonexpendable Personal Property" - The net invoice unit price of the property, including the cost of

modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty, or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.

"Act" - Job Training Partnership Act (October of 1982) (P.L. 97-300 (29 U.S.C. 1501) as amended by P.L. 97-404 (42 U.S.C. 602), P.L. 99-496 (29 U.S.C. 1501), P.L. 99-570 (21 U.S.C. 801) and P.L. 100-418 (20 U.S.C. 5001)).

"Additional Dislocated Worker" - A displaced homemaker as that term is defined in section 4(29) of the Act.

"Adult Employability Enhancement Termination" - An outcome for adults, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following:

Attained Adult Employability Skills - Demonstrated proficiency as defined by the local area in one or more of the following two skill areas in which the terminee was deficient at enrollment: basic education skills and occupational skills. Employability skill gain must be achieved through program participation and must be the result of a prior employability development planning process which identifies the participant's skill deficiencies, the training needed to overcome the deficiencies and the level of proficiency needed for attainment of the employability skill.

Completed Major Level of Education - Completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and post secondary. Completion standards shall be governed by State standards and shall include a high school diploma, GED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the postsecondary level. NOTE: To obtain credit, completion of a major level of education must result primarily from active JTPA program participation of at least 90 calendar days or 200 hours.

Entered Non-Title II Training - Entered an occupational-skills employment training program, not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II. NOTE: To obtain credit, the participant must have been retained in that program for at least 90 calendar days

or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-Title II training, he/she may or may not have received JTPA services as defined in 56 Ill. Adm. Code 2610.70.

"Applicant" - Individual who is receiving, or has received, only outreach or intake services, or both. An "applicant" may or may not become a "participant", based upon the outcome of intake and the individual's willingness to participate.

"Applicant Agency" - Educational, employment and training agencies which can provide services to workers who are affected by mass-layoff or plant closings.

"Application Date" - The date the applicant signs and dates the JTPA application certifying that the information on the form is correct to the best of his/her knowledge. In the case of a minor (except emancipated youth) the application date is the date the parent/guardian signs the application.

"Assessment" - Services designed to initially determine each applicant's/participant's employability, aptitudes, abilities, and interests, through interviews, testing, and counseling which are conducted to achieve the applicant's/participant's employment related goals.

"At Risk of Dropping Out of School" - A student without a high school diploma or GED certificate whose academic performance and/or personal behavior demonstrates that he or she is uninvolved, unmotivated, and/or disaffected. This includes a student who meets at least one of the following criteria:

Has been retained in grade at least once during the most recent four school years or has accumulated insufficient credits toward graduation.

Demonstrates a reading or math proficiency level one grade or more below the current grade placement level based on assessment results.

Lacks a demonstrated proficiency in the English language as measured by a standardized test.

Has been determined by the school district to have a behavior disorder or a learning disability.

Is pregnant or a parent.

Has been on academic probation at any time during the prior 12

months.

Is a truant or is excessively absent as determined by an authorized school official.

Has been suspended from school five or more days during the previous or current school year.

Has been expelled from school during the previous or current school year.

Has been identified as drug or alcohol dependent by a medical authority or authorized school staff.

Is a member of a family which meets the definition of Long Term AFDC Recipient.

Is a member of a single parent household.

"Barriers to Employment" - Characteristics that may hinder an individual's hiring, promotion, or participation in the labor force. Some examples of individuals who may face barriers to employment include: single parents, women, displaced homemakers, youth, welfare recipients, older workers, addicts, alcoholics, teenage parents, veterans, racial minorities, dislocated workers, and those with limited English speaking ability or a criminal record or with a lack of education, work experience, credentials, child care arrangements, or transportation.

"Basic Education Skills" - A PIC-Recognized Youth Employment Competency skill area which includes reading comprehension, math computation, writing, speaking, listening, problem solving, reasoning, and the capacity to use these skills in the workplace.

"Chief Elected Official" - The highest elected official(s) of the unit or units of general purpose local government of which the Service Delivery Area (SDA) is configured (e.g., County Board Chairperson in multi-county SDAs or mayors in SDAs made up of a single city or a consortia of cities.) In addition, the highest elected official of any unit of local government which was a prime sponsor under Comprehensive Employment and Training Act (CETA) during Federal fiscal year 1983 (29 U.S.C. 801) is a chief elected official.

"Citizenship" - Designation of an applicant as a citizen or "eligible noncitizen" whose status permits permanent employment in the United States. (For JTPA recordkeeping purposes, "eligible noncitizen" includes nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United

States.)

"Continued Unsubsidized Employment" - A participant who was employed at the time of enrollment in JTPA and maintained that employment throughout program participation and termination.

~~"Continuing--CETA--Participant"---Any--individual--who--on--September--30,--1983--is--enrolled--in--any--service,--training--or--subsidized--employment--program--under--the--Comprehensive--Employment--and--Training--Act--(CETA)--(29--U.S.C.--801,--effective--October--27,--1978,)--and--who--will--continue--to--participate--in--such--programs--after--enrollment--in--the--Job--Training--Partnership--Act--(JTPA),--shall--be--considered--a--"continuing--CETA--participant."~~

"Department" - The Illinois Department of Commerce and Community Affairs.

"Discretionary Fund" - Funds reserved under Section 322(a)(3) of the Act for distribution at the Secretary of Labor's discretion to serve workers affected by multi-State or industry-wide dislocations and to areas of special need in a manner that efficiently targets resources to areas of most need, encourages a rapid response to economic dislocations, and promotes the effective use of funds.

"Dislocated Worker" - An individual who meets the eligibility requirements specified in 56 Ill. Adm. Code 2625.55 or Section 301(a) of the Act.

"Dislocated Worker Unit" - The identifiable unit within the Department which will be given the responsibility and capability to respond rapidly, on site, to permanent closures and substantial layoffs throughout the State and to provide the services described in Section 311(b)(3) of the Act.

"Displaced Homemaker" - A person who

has worked in the home for a substantial number of years providing unpaid household services for family members;

has difficulty in securing employment; and

was dependent on the income of another family member but is no longer supported by such income, or

was dependent on federal assistance but is no longer eligible for such assistance.

"Documented Job Search Criterion" - One month job search demonstrated by current registration with the Illinois Job Service.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

"Early Readjustment Assistance" - Assistance given to a Title III participant at the time of or soon after a layoff event which provides necessary early intervention services (testing, assessment, orientation, etc.).

"Economically Disadvantaged" - An individual who

receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program;

has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of

the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or

70 percent of the lower living standard income level;

is included in a Public Aid Food Stamp Assistance Unit (see 89 Ill. Adm. Code 121.70);

is a foster child on behalf of whom State or local government payments are made; or

is a homeless individual.

"Education Status" -

School Dropout - An adult or youth (aged 14 - 21) who is not attending school full-time and has not received a high school diploma or a General Education Diploma (GED) certificate.

Student (High School or Less) - An adult or youth (aged 14 - 21) who has not received a high school diploma or GED certificate and is enrolled full-time in an elementary, secondary or post-secondary level vocational, technical, or academic school, or is between school terms and intends to return to school.

High School Graduate or Equivalent (No Post-High School) - An adult or youth (aged 14 - 21) who has received a high school diploma or GED certificate, but who has not attended any post-secondary vocational, technical, or academic school.

Post-High School Attendee - An adult or youth (aged 14 - 21) who has received a high school diploma or GED certificate and has

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attended (or is attending) any post-secondary level vocational, technical, or academic school.

"Eligible State" - As part of the Title III reallocation process, as specified in Section 303 of the Act, an eligible State is one which has expended at least 80 percent of its allotment for the program year prior to the program year for which the determination is made.

"Emancipated Youth" - An emancipated youth is a minor released from the control and supervision of his/her parent(s) or guardian(s) according to the provisions of ~~the~~ the Emancipation of Mature Minors Act (Ill. Rev. Stat. 1991, ch. 40, pars. 2001 et seq.) [750 ILCS 30/].

"Employer Outreach" - Activities involving contacts with potential employers of JTPA participants for the purpose of acquiring current employment opportunities, listings and commitments. These activities include: promoting JTPA services with local employers, job fairs, local business conferences and seminars, and similar activities and events which are necessary and are designed with the clear intent to obtain job listings and openings or current job training opportunities.

~~"Employment--Generating--Activities"---Activities--conducted--for--the purpose--of--encouraging-expansion-or-creation-of-businesses-which-are not-related-to-existing-employment--opportunities-for-participants--but result---in---increased--employment--opportunities--for--JTPA-eligible individuals.--These--activities--are--not--to--be--used--directly--for economic--development--or--as--a-substitute-for-similar-activities-for which-funds-are-available-under-other-Federal-programs.~~

"Entered Unsubsidized Employment" - The category for participants who, at termination from the program, entered (through the efforts of the grantee/subgrantee or through their own efforts) full- or part-time unsubsidized employment. Unsubsidized employment means employment not financed from funds provided under the Act and includes for JTPA reporting purposes, entry into the Armed Forces, entry into employment in a registered apprenticeship program, and terminees who became self-employed, were recalled or continued unsubsidized employment.

"Entrepreneurial Training" - Training given to Title III participants which will impart the skills necessary to obtain unsubsidized employment through self-employment.

~~"Entry-Employment-Experience-Program"---As-specified-in-Section-205(d) of-the-Act,-the-following-restrictions-and-limitations-apply--to--this activity:~~

~~The--job--training--plan-may-provide-for-the-conduct-of-an-"entry employment-experience-program"-for-youth-who---~~

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~~have--completed--preemployment--skills---training---or---its equivalent;~~

~~have-not-recently-held-a-regular-part-time-or-summer-job-for more--than--250--hours--of-paid-employment,-except-that-this paragraph--may--be--waived--in--accordance---with- -criteria established-in-the-job-training-plan;-and~~

~~are--enrolled--in--a--secondary--school--or--an--institution offering-a-certified-high-school-equivalency-program-and-are meeting--or--have--met--the--minimum-academic-and-attendance requirements-of-that-school-or-education-program-during--the current--or--most--recent-term,-with-priority-given-to-youth who-do-not-plan-to-continue-on-to--post-secondary--education.~~ ~~Entry--employment--experiences--may-be-up-to-20-hours-weekly during-the-school-year-or-full-time-during--the--summer--and holidays,--for--a--total-of-not-to-exceed-500-hours-of-entry employment-experience-for-any-individual.--Such--experiences shall-be-appropriately-supervised,-including-the-maintenance of-standards-of-attendance-and-worksite-performance.~~

~~Entry-employment-experiences-may-be-one-of-the-following-types:~~

~~Full-time--employment--opportunities--in--public-and-private nonprofit-agencies-during-the--summer--and--on--a--part-time basis-in-combination-with-education-and-training-activities. These-jobs-shall-provide-community-improvement-services-that complement-local-expenditures.~~

~~Tryout--employment--at--private--for-profit-worksites,-or-at public--and--private--nonprofit---worksites---when---private for-profit--worksites--are--not--available.--Compensation-in lieu-of-wages-for-tryout-employment-shall--be--paid--by--the grant--recipient,--but--the--length--of--any-assignment-to-a tryout-employment--position--shall--not--exceed--250--hours. Tryout--employment--positions--shall--be--the-ones-for-which participants-would-not-usually-be-hired-(because-of-lack--of experience--or--other-barriers-to-employment),-and-vacancies in-such-positions--may--not--be--refilled--if--the--original participant--completed--the--tryout--employment--but-was-not hired-by-the-employer.~~

~~Cooperative-education--programs--to--coordinate--educational programs-with-work-in-the-private-sector.~~

"Equitable Services" -

Services to substantial segments (race, sex, age, national origin) and to Work Incentive (WIN) registrants and school

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dropouts shall be equitable. Serving those segments and status groups (i.e., WIN registrants and school dropouts) at a level equal to their incidence in the eligible population, aged 16-64, as defined by the state, shall be considered equitable. Serving those segments at a level greater or lesser than that incidence shall be considered equitable if the Service Delivery Area (SDA)

targets services to specific groups and meets requirements of Section 141 of the Act, and

provides justification for that targeting to those groups with greater need.

If, as a result of targeting or requirements of the Act, any substantial segment is served at a rate greater than its proportion within the eligible population, remaining substantial segments should be served proportionately."

"Excess Property" - Property under the control of any Federal or state agency which, as determined by the head thereof, is no longer required for its needs or discharge of its responsibilities.

"Expendable Personal Property" - All tangible personal property other than nonexpendable property.

"Family" - One or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or a step-parent shall be considered to be related by marriage. Also, regardless of residence and/or citizenship, anyone claimed as a dependent on another person's Federal Income Tax return for the previous year shall be presumed to be part of the person's family for the current year. To negate this assumption, the person who was claimed as a dependent for income tax purposes would be required to provide information that demonstrates the individual is no longer financially dependent. Examples of information that may be provided would be a change in living arrangements or financial resources that would enable the person to become non-dependent. Regardless of living arrangements or tax dependency status, the following persons shall be considered a family of one when such consideration would result in the individual being determined eligible for program participation:

any person who is 55 years of age or older;

a handicapped person; or

an individual 18 years of age or older who receives less than 50 percent of his/her maintenance from the family, and also is not the head nor the spouse of the head of the household.

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"Family Income" - All income from all sources actually received by all members of the family for the six month period prior to eligibility.

Family income shall INCLUDE:

Gross wages and salary (before deductions), except wages paid for work experience under the Act, but including wages and salary received for on-the-job training;

Net self-employment income (gross receipts minus operating expenses);

Other money income received from sources such as net rents, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.

Family income shall NOT INCLUDE:

Old Age and Survivors Insurance benefits received under Title II of the Social Security Act of 1978 (42 U.S.C. 402 (1983));

Non-cash income such as food stamps, or compensation received in the form of food or housing;

Imputed value of owner-occupied property, i.e., rental value;

Gifts;

Public assistance (e.g., Aid to Families with Dependent Children (AFDC) under Title IV of the Social Security Act (SSA) (42 U.S.C. 401 (1983)), General Assistance (State or local government), Refugee Act of 1980 (8 U.S.C. 1521-1525 (1983)), or Supplementary Social Security Income (SSI) under Title XVI of the SSA (42 U.S.C. 1601-1602 (1983));

Cash payments received pursuant to a State plan approved under Titles I, IV, IX, XVI and XX of the Social Security Act of 1978 (42 U.S.C. 1, 201(a), 401, 402, 1001, 1002, 1601, 1602, 2001, 2002 (1983)) or disability insurance payments received under Title II of the Social Security Act of 1978 (42 U.S.C. 201 (1983));

Federal, State or Local Unemployment benefits;

Payments made to participants in employment and training programs, except wages paid for on-the-job training (OJT) (e.g., the JTPA (29 U.S.C. 1501, December 31, 1982) and

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Title V of the Older Americans Act of 1965 (42 U.S.C. 3001, December 29, 1981));

Capital gains and losses;

Fixed term, unearned income, such as but not limited to;

Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

One-time or fixed-term scholarship and fellowship grants;

Accident, health, and casualty insurance proceeds;

Disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;

Inheritance, including fixed term annuities;

Fixed term workers' compensation awards;

Terminal leave pay;

Soil bank payments;

Agriculture crop stabilization payments;

Pay or allowances which were received by any veteran while serving on active duty in the Armed Forces;

Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38 (Veterans' Benefits) of the U.S.C. (38 U.S.C. 301, 401, 1501, 1650, 1700, 1770);

Payments received under the Trade Readjustment Act of 1974 (19 U.S.C. 2291, January 3, 1975);

Black Lung payments received under the Benefits Reform Act of 1977 (30 U.S.C. 901, December 29, 1981); and

Child support payments.

"Farm" - A farm is identified on the basis of sales alone and is defined as any place which produced agricultural products with annual

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sales of $1,000 or more.

"Follow-Up" - The collection of information on a terminee's employment situation thirteen (13) weeks after termination from the program.

"Food Stamp Recipient" - An individual who is included in a Public Aid Food Stamp Assistance Unit (see 89 Ill. Adm. Code 121.70).

~~"Grant"---An--award--of--financial--assistance,--including-cooperative agreements,-in-the-form-of-money,-or-property-in-lieu-of-money,-by-the Department--to--an--eligible--grantee.---The--term--does--not--include technical-assistance-which-provides--services--instead--of--money,--or other---assistance--in--the--form--of--revenue--sharing,--loans,--loan guarantees,-interest-subsidies,-insurance,-or--direct--appropriations. Also,--the--term--does-not-include-assistance,-such-as-a-fellowship-or other-lump-sum-award,--for--which--the--grantee--is--not--required--to account.~~

"Grant Recipient" - ~~Grant-recipients-are-particular-types-of-grantees identified-in-an-agreement-required-under-Section-103(b)(1)-of-the-Act between-the-chief--elected--official--or--officials--and--the--private industry-council-in-the~~ SDA grant recipient.

~~"Grantee"---The--organization--to--which--a--grant--is--awarded-by-the Department-and-which-is-accountable-for-the-use-of-the-funds-provided.~~

"Grantor" - The Department of Commerce and Community Affairs.

"Handicapped Individual" - Any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

"High Unemployment SDA" - As part of the Title III reallocation process, an SDA which is among those SDAs which have unemployment rates greater than the statewide average unemployment for the most recent 12 months for which data are available from the Illinois Department of Employment Security.

"Homeless Individual" - A homeless person is an individual who lacks a fixed, regular or adequate nighttime residence or whose primary nighttime residence is:

a supervised publicly or privately operated shelter designed to provide temporary living accommodations,

an institution that provides a temporary residence for individuals intended to be institutionalized, or

a public or private place not designed for, or ordinarily used

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as, a regular sleeping accommodation for human beings.

"Illinois Job Training Coordinating Council" - The advisory body appointed by the Governor to make recommendations on issues related to employment and training in the State. The council shall be comprised of membership consistent with Section 122(a)(3) of the Act (as amended by P.L. 100-418) and shall perform those functions delineated in Sections 122(b) and 317 of the Act and the Illinois Job Training Coordinating Council Act (Ill. Rev. Stat. 1991, ch. 48, pars. 2101 et seq.) [20 ILCS 3975].

"Inactive Status Period" - The time period between last receipt of employment and or training funded under a given title and the actual date of termination from the title.

"Income Maintenance" - Any program providing financial assistance to persons in financial need.

"Individual Readjustment Plan" - An individualized plan for the Title III participant which assesses during intake, participant skills and needs. This plan then develops a readjustment strategy, detailing those basic readjustment services necessary to allow the participant to either begin training or obtain employment.

"Ineligible" - A participant who, subsequent to enrollment, was found to not meet eligibility requirements for participation in the JTPA title in which he or she was enrolled.

"Intake" - Includes the screening of an applicant for eligibility to determine:

whether the program can benefit the individual (e.g., whether the applicant's educational and vocational needs can be met through the program);

the employment and training activities and services which would be appropriate for that individual;

availability of an appropriate employment and training activity;

a decision on selection for participation in accordance with 56 Ill. Adm. Code 2610.80; and

dissemination of information on the program (see 56 Ill. Adm. Code 2610.130(c)).

"JOBS Program Participant" - Any individual (AFDC client) who is a participant (or has been a participant within the prior six months) in assessment or employability planning or is assigned to one of the JOBS

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Program components defined in the approved State JOBS Program Plan, including self-initiating activities, at the time of eligibility determination for JTPA Title II-A.

"Job Specific Skills" - A PIC-Recognized Youth Employment Competency skill area which includes primary and secondary job-specific skills. Primary job-specific skills encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and the use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

"Job Training Plan" - A two year program plan for the SDA prepared in accordance with Section 104 of the Act and the Department's rules. (See 56 Ill. Adm. Code 2610)

"Joint Costs" - Joint costs means a cost which benefits more than one cost objective.

"Labor Force Status" -

Employed -

An individual who, during the 7 consecutive days prior to application to a JTPA program, did any work at all:

as a paid employee;

in his or her own business, profession or farm, or

worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; and

An individual who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job. (This term includes members of the Armed Forces on active duty, who have not been discharged or separated, participants in registered apprenticeship programs, and self-employed individuals.)

Unemployed - An individual who did not work during the 7 consecutive days prior to application for a JTPA program, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7

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consecutive days prior to application (except for temporary illness).

Not in Labor Force - A civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

Employed Part-Time - An individual who is regularly scheduled for work less than 30 hours per week.

Unemployed 15 or More Weeks of Prior 26 Weeks - An individual who is unemployed at the time of application and has been unemployed for 15 or more weeks of the 26 weeks immediately prior to application, has made specific efforts to find a job throughout the period of unemployment, and is not classified as "Not in Labor Force".

"Labor-Management Committees" - Committees voluntarily established to respond to actual or prospective worker dislocation, which ordinarily include (but are not limited to) the following:

shared and equal participation by workers and management;

shared financial participation between the company and the SDA, using funds provided under Title III of the Act, in paying for the operating expenses of the committee; a chairperson, to oversee and guide the activities of the committee, who shall be jointly selected by the labor and management members of the committee, who is not employed by or under contract with labor or management at the site, and who shall provide advice and leadership to the committee and prepare a report on its activities;

the ability to respond flexibly to the needs of affected workers by devising and implementing a strategy for assessing the employment and training needs of each dislocated worker and for obtaining the services and assistance necessary to meet those needs;

a formal agreement, terminable at will by the workers or the company management, and terminable for cause by the Governor (e.g., violations of the Act, fraud, termination of funding); and

local job identification activities (e.g., approaching supplier firms to hire dislocated workers or hosting events to bring together local employers to interview dislocated workers) by the chairman and members of the committee on behalf of the affected workers.

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"Limited English Language Proficiency" - Inability of an applicant, whose native language is not English, to communicate in English, resulting in a job handicap.

"Local Elected Official" - Includes all county and municipal officers (and their designees) such as county board members, mayors, and city or village council members.

"Lower Living Standard Income Level" - That income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.

"Major Plant Closing" - When plant closing employs over 100 persons.

"Mass Layoff" - When over 100 persons are on layoff from a plant.

"Mathematics Grade Level" - The grade level results for an adult or youth on mathematics skills as assessed on a generally accepted standardized test (e.g., Test of Adult Basic Education (TABE), Wide Range Achievement Test (WRAT)).

"Minimal Work History" - An adult or youth who did not work for the same employer for longer than three consecutive months in the two years prior to JTPA eligibility determination.

"Monetary Eligibility" - A claimant's eligibility for a weekly benefit amount of unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Months received AFDC (last 30 months)" - the number of months an adult or youth (or the family of an adult or youth) received cash payments under AFDC (SSA Title IV) during any of the 30 months prior to eligibility determination.

"Multiple Barriers to Employment" - Any adult or youth who has three or more of the following barriers to employment:

school dropout,

limited English language proficiency,

handicapped/disabled,

offender,

reading skills below the 7th grade level,

math skills below the 7th grade level,

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long-term AFDC recipient,

lacks significant work history,

homeless,

JOBS Program participant,

substance abuse,

pregnant/parenting teen.

"Nonexpendable Personal Property" - Tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit.

"Offender" - An adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

"Older Individual" - An individual who is 55 years of age or older.

"Older Worker" - An individual who is 55 years of age or older.

"Other Termination" - The termination of a participant who left the grantee's/subgrantee's program for a positive or non-positive reason other than to enter unsubsidized employment, or for youth a reason specified in the definition of "Youth Employability Enhancement Termination".

"Out-of-Area Job Search" - Assistance provided to a participant for expenses that occur as a result of seeking unsubsidized employment in an area outside a reasonable commuting distance from the participant's residence. Reasonable, for the purposes of this definition, will be defined by the local Private Industry Council. Services must be provided near the end of, or within 90 days after the completion of other retraining services.

"Outreach" - An activity which involves the collection, publication, and dissemination of information on program services directed toward economically disadvantaged and other individuals eligible to receive JTPA training and support services.

"Participant" - An individual who:

has been determined eligible for participation upon intake and

has started receiving employment, training, or services (except post-termination services) funded under the Act, following

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intake. Individuals who receive only outreach and/or intake and assessment services or post-program follow-up are excluded.

"Participant Carried Over" - A participant for whom there was an active participant record on file at the end of the previous program year.

"Part-Time Student" - An adult or youth who has not received a high school diploma or GED certificate but is enrolled in a secondary school or an institution offering a certified high school equivalency program on a less than full-time schedule.

"Personal Property" - Personal property of any kind except real property. It may be tangible - having physical existence, or intangible - having no physical existence, such as patents, inventions, and copyrights.

"PIC" - Private Industry Council.

"PIC Membership Selection Agreement" - An agreement negotiated pursuant to Section 102(d)(2) of the Act and Section 2600.40(e)(1) of this Part between chief elected officials within the SDA which specifies how members of the PIC shall be selected.

"Post Termination Services" - Supportive services available to individuals who terminate as, "entered employment," which are determined necessary to assist such individuals in retaining employment. These services may be provided for no more than 6 months following completion of training.

"Poverty Level" - The annual income level at, or below, which families are considered to live in poverty, as annually determined by the Department of Health and Human Services.

~~"Preemployment--Skills--Training--Program"---As--specified--in-Section 205(c)-of-the-Act,-the-following-restrictions-and-limitations-apply-to this-activity:~~

~~The--job--training--plan--may--provide--for--the--conduct--of---a "preemployment---skills---training---program"---for---youth,--and individuals-aged-14-and-15,-with-priority-being--given--to--those individuals--who--do--not--meet--established--levels--of-academic achievement-and-who-plan-to-enter-the-full-time-labor-market-upon leaving-school.~~

~~The-preemployment-skill-training-program-may-provide-youth-up--to 200-hours-of-instruction-and-activities.~~

~~The-instruction-and-activities-may-include--~~

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~~assessment,-testing,-and-counseling;~~

~~occupational-career-and-vocational-exploration;~~

~~job-search-assistance;~~

~~job-holding-and-survival-skills-training;~~

~~basic-life-skills-training;~~

~~remedial-education;~~

~~labor-market-information;-and~~

~~job-seeking-skills-training.~~

"Pre-Employment Skills and Work Maturity Skills" - A PIC-Recognized Youth Employment Competency skill area which includes both pre-employment skills and work maturity skills. Pre-employment skills include world of work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning, decision making, and job search techniques (e.g., resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the telephone, telling time, shopping, making change, renting an apartment, opening a bank account and using public transportation. Work Maturity skills include positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective interpersonal relations, coping and problem-solving skills, and acquiring an improved self image. Individuals should demonstrate proficiency in each of the following 11 core competencies. In order for an attainment to be reported in the area of pre-employment/work maturity, at least one PIC-certified competency statement must be developed/quantified in each of the following 11 core competencies - provided that at least 5 of these learning objectives were achieved during program intervention:

making career decisions;

using labor market information;

preparing resumes;

filling out applications;

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interviewing;

being consistently punctual;

maintaining regular attendance;

demonstrating positive attitudes/behavior;

presenting appropriate appearance;

exhibiting good interpersonal relations; and

completing tasks effectively.

"Pregnant/Parenting Teen" - Any individual, under twenty years of age, who is the parent or guardian of one or more children or any female, under twenty years of age, who is pregnant.

"Pre-layoff Services" - Readjustment assistance (as defined in Section 314(c) of the Act) given to a Title III participant, after the announcement of a layoff and before that layoff becomes effective.

"Previous Occupation SOC Codes" - The Standard Occupational Classification (SOC) codes associated with the client's previous employment.

"Private Industry Council" - The Council established pursuant to Section 102 of the Job Training Partnership Act (29 U.S.C. 1512, December 31, 1982). The Council will be comprised of membership consistent with Section 102(a) of the Act and will perform those functions delineated in Section 103(a) of the Act.

"Program Dropout" - A participant who, after enrollment, does not participate in the training and/or service activity(ies) in which he or she was enrolled sufficiently to benefit from the program.

"Program Year" (PY) - The months of July through June.

"Public Assistance" - Federal, State, or local government cash payments for which eligibility is determined by a need or income test. NOTE: This term is used for eligibility determination and includes the three groups included in "welfare recipient", plus recipients of Supplemental Security Income (SSI), but is not limited to these assistance programs.

"Race/Ethnic Group" - The basic racial and ethnic categories for use in all Federally funded programs are defined by the Office of Management and Budget as follows:

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White, Not Hispanic - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black, Not Hispanic - A person having origins in any of the black racial groups of Africa.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa. (Hawaiian Natives are included herein.)

"Reading Grade Level" - The English reading skills grade level for an adult or youth on a generally accepted standardized test (e.g., Test of Adult Basic Education (TABE), Wide Range Achievement Test (WRAT), Job Corps Reading Test).

"Real Property" - Land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

"Recalled" - A client who, after enrollment in a JTPA program, returns to a firm from which he or she was laid off.

"Recipient" - The governor of the State of Illinois.

"Referral" - The act of bringing to the attention of an employer, a local office, a training sponsor, or a supportive service agency, an individual (or group of individuals) who needs a job, training, or related supportive services.

"Registered Apprenticeship Program" - A formal written occupational training program which combines on-the-job training and related instruction and in which workers learn the practical and conceptual skills required for a skilled occupation, craft, or trade. Apprenticeship programs must meet 22 criteria specified in 29 CFR 29.5 (as revised July 1, 1989, with no later amendments or editions) to be registered by the Secretary of Labor or designated state representative. Apprentices who complete the program are awarded a certificate of completion by the Bureau of Apprenticeship and Training and/or the state Apprenticeship Council in those states certified as

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meeting federal requirements.

"Relocation" - Assistance provided to a participant for all or part of the expenses resulting from a participant and his or her family moving to a labor market within which the participant does not currently reside. Criteria for receiving funds under this category include but are not limited to:

a determination is made that the participant cannot secure suitable employment within the labor market;

documentation that the participant has obtained a bonafide employment offer; and

the occupation is related to vocational retraining received as a result of the program.

"Relocation Assistance" - The activities necessary to arrange for a family to move to a new abode for the purpose of accepting long-duration employment. Activities may include, but are not limited to: the cost of the actual transfer of goods and property, including mileage for the family's travel; emergency assistance; rent subsidies; and other supportive services.

"Residence" - An individual's principal dwelling or home.

"Satisfactory Progress in School - A Service Delivery Area, in cooperation with the local school system, must develop a written policy which defines an individual standard of progress that each participant is required to meet. Such a standard should, at a minimum, include both a qualitative element of a participant's progress, (e.g., performance on a criterion referenced test or a grade point average) and a quantitative element (e.g., a time limit for completion of the program or course of study). This policy may provide for exceptional situations in which students who do not meet the standard of progress are nonetheless making satisfactory progress during a probationary period because of mitigating circumstances.

"SDA Grant Recipient" - The entity that receives JTPA funds for a service delivery area (SDA). SDA grant recipients are particular types of ~~grantees~~ subrecipients.

"Secretary" - The Secretary of the United States Department of Labor.

"Selective Service Registrant" - Any individual who must register, as required by Section 3 of the Military Selective Service Act (50 U.S.C. App. 453 (1982)).

"Service Delivery Area" (SDA) - An area comprised of one or more units

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of general local government designated by the Governor to promote effective delivery of job training services under JTPA in accordance with Section 101 of the Act.

~~"Service--Providers"---Those--individuals,-corporations,-partnerships,-firms,-organizations,-associations--or--institutions--that--carry--out activities-pursuant-to-Sections-123,-124,-204,-252-and-314-of-the-JTPA or--receive--JTPA-funds-under-the-supportive-services-or-training-cost categories.~~

"Single Head of Household with Dependent Children" - A single, abandoned, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18.

"State" - The State of Illinois.

"State Plan" - The biennial plan for Title III activities in the State prepared by the Governor in accordance with Section 311 of the Act and 20 CFR 631.36 (as revised April 1, 1990, with no later amendments or editions).

"State Reserve Fund" - That portion of the State's funds, allotted in accordance with Section 302(b) of P.L. 97-300 (as amended by P. L. 100-418), reserved to the Governor under Section 302(c)(1) for the uses described in that section.

~~"Subgrant"---An-award-of-financial-assistance-in-the-form-of-money,-or property-in-lieu-of-money,-made-under-a--grant--by--a--grantee--to--an eligible--subgrantee.---The--term--includes--financial-assistance-when provided--by--contractual--legal--agreement,--but--does--not---include procurement--purchases,--nor--does--it--include-any-form-of-assistance which-is-excluded-from-the-definition-of-"grant"-in-this-Section.~~

"Subgrantee" - ~~The-organization-to-which-a-subgrant-is--awarded--by--a grantee--of-the-Department-and-which-is-accountable-to-the-grantee-for the-use-of-the-funds-provided.~~ A subrecipient.

"Subrecipient" - The legal entity to which a subgrant is awarded and which is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided. For JTPA purposes, distinguishing characteristics of a subrecipient include items such as determining eligibility of applicants, enrollment of participants, performance measured against meeting the objectives of the program, responsibility for programmatic decisionmaking, responsibility for compliance with program requirements, and use of the funds awarded to carry out a JTPA program or project, as compared to providing goods or services for a JTPA program or project (vendor). Depending on local circumstances, the PIC, local elected official, or administrative entity may be a subrecipient. SDA grant recipients and JTPA Title III substate

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grantees are particular types of subrecipients.

"Subsidized Employment" - Employment created in the public sector and in private for profit or nonprofit organizations which is financed by the recipient's program funds. Subsidized employment includes work experience. (On-the-Job Training (OJT) is a reportable training activity, rather than subsidized employment.)

"Substance Abuser" - An adult or youth determined to be drug or alcohol dependent as determined by a medical authority or authorized school staff (e.g., guidance counselor, principal, school nurse).

"Substantial Layoff" - Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period for:

At least 33 percent of the employees (excluding employees regularly working less than 20 hours per week); and

At least 50 employees (excluding employees regularly working less than 20 hours per week); or at least 500 employees excluding employees regularly working less than 20 hours per week).

"Substate Area" (SSA) - An area comprised of one or more existing Service Delivery Areas, designated by the Governor to promote the effective delivery of services to dislocated workers in accordance with Section 312(a) of the Act.

"Substate Grantee" - The entity which is designated, in accordance with the procedures described in Section 312(b) of the Act, as having the responsibility for providing the services described in Section 314(c), (d), and (e) of the Act pursuant to an agreement with the Governor and in accordance with the State plan and the substate plan.

"Substate Plan" - A Title III program plan for the substate areas prepared in accordance with Section 313 of the Act, the State plan, and such instructions as the Department issues in complying with 20 CFR 631.50 (revised as of April 1, 1990, with no later amendments or editions).

"Summer Months" - The months of May through September.

"Terminal Leave Pay" - Severance pay or payment received in lieu of accrued benefits when an individual terminates employment.

"Termination" - The separation of a participant from a given title of the Act who is no longer receiving employment, training or services (except post-termination services) funded under that title. NOTE: Individuals may continue to be considered as participants for a

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period of 90 days after last receipt of employment or training funded under a given title.

"UC Claimant" - Any individual who has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation (UC) programs, and who has not exhausted benefit rights or whose benefit year has not ended.

"UC Exhaustee" - Any individual who has exhausted his unemployment compensation benefits (not including Extended, Additional State, or Federal Supplemental Benefits) for which he has been determined monetarily eligible.

"Unsubsidized Employment" - Employment not financed from funds provided under the Act.

"Upgrading Training" - Training given to an individual who needs such training to advance above an entry-level or dead-end employment position.

"Vendor" - An entity responsible for providing generally required goods or services to be used in the JTPA program. These goods or services may be for the recipient's or subrecipient's own use or for the use of participants in the program. Distinguishing characteristics of a vendor include items such as:

providing the goods and services within normal business operations;

providing similar goods and services to many different purchasers, including purchaser outside the JTPA program; and

operating in a competitive environment.

A vendor is not a subrecipient and does not exhibit the distinguishing characteristics attributable to a subrecipient as defined above. Any entity directly involved in the delivery of program services not available to the general public, with the exception of an employer providing on-the-job-training, shall be considered a subrecipient rather than a vendor.

"Veteran" - A person who served on active duty in the military, naval, or air service (of the United States) for a period of more than 180 days and who was discharged or released therefrom with other than a dishonorable discharge or was discharged or released from active duty because of a service-connected disability.

NOTE: The term "active" means full-time [illegible] in the Armed

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Forces, other than duty for training in the reserves or National Guard. Any period of duty for training in the reserves or National Guard, including authorized travel, during which an individual was disabled from a disease or injury incurred or aggravated in the line of duty, is considered "active" duty.

Recently Separated Veteran - Any veteran who applies for participation under any title of the Act within 48 months of the discharge or release from active military, naval, or air service.

Disabled Veteran - A veteran

who is entitled to compensation under laws administered by the Veterans' Administration, or

an individual who was discharged or released from active duty because of a service-connected disability.

Vietnam-Era Veteran - A veteran any part of whose active military, naval, or air service occurred between August 5, 1964 through May 7, 1975.

"Vocational Exploration Program (VEP)" - A program for the purpose of exposing individuals to the operation and types of jobs available in the private sector through observation of such jobs and instruction including, where appropriate, limited practical experience.

"Welfare Recipient" - An individual who receives or whose family receives cash payments under Aid to Families with Dependent Children (AFDC) (Social Security Act (SSA) Title IV) (42 U.S.C. 401 (1983)), General Assistance (State or local government), or the Refugee Act of 1980 (8 U.S.C. 1521-1525 (1983)). (For proposed performance standards purposes, this term excludes recipients of Supplementary Security Income (SSI) Title XVI of the Social Security Act (42 U.S.C. 1601, 1602 (1983)).

"Work Experience" - ~~Work--experience--is-a~~ A short-term or part-time~~,~~ ~~subsidized~~ work assignment with ~~an~~ a public or private nonprofit employing agency for a participant who needs assistance in becoming accustomed to basic work requirements. ~~Work--experience~~ It is prohibited in the private-for-profit sector ~~unless-the-individual employed-is-a-youth-aged-16--to--21--inclusive,--who--is--economically disadvantaged--as--required--by--Section--141(k)--of--the--Act-and-the employment-is-provided-in-accordance-with-Section-205(d)(3)(B)-of--the Act~~ except for limited internships and entry employment experience programs, as provided in Section 264(c)(1)(F) and (H).
Work experience is designed to promote the development of good work habits and basic work skills for individuals who have never worked or who have been out of the labor force for an extended period of time

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including, but not limited to:
students;
summer youth;
school dropouts;
individuals with disabilities; and
older workers.
Participation in work experience shall be for a reasonable length of time, based on the needs of the participant, which shall be documented in the participant's ISS. Generally, work experience for adults may not exceed the later of 6 months or 499 hours if working part-time. The ISS shall include a justification in each case where work experience is authorized in excess of these limits for adults.
Work experience conducted under Titles II-A and II-C shall be accompanied, either concurrently or sequentially, by other services designed to increase the basic education and/or occupational skills of the participant, as documented in the ISS.
Work experience is not an allowable activity under Title III of the Act.

"Youth" - An individual who is aged 16 through 21. (Individuals aged 14 and 15 may participate in a "preemployment skills training program" for youth.)~~.~~

"Youth Competency System" - A sufficiently developed youth employment competency system must include the following structural and procedural elements:

Quantifiable Learning Objectives - PIC-recognized competency statements that are quantifiable, employment-related, measurable, verifiable learning objectives that specify the proficiency to be achieved as a result of program participation. Employment competencies/quantifiable learning objectives approved by the PIC as relevant to the SDA must include a description of the skills/knowledge/attitudes/behavior to be taught, the levels of achievement to be attained, and the means of measurement to be used to demonstrate competency accomplishment. The level of achievement selected should enhance the youth's employability and opportunities for postprogram employment.

Related Curricula, Training Modules, and Approaches - Focused curricula, training modules, or behavior modification approaches which teach the employment competencies in which youth are found to be deficient. Such related activities, components, or courses must encompass participant orientation, work-site supervisor/instructor/community volunteer training, and staff development endeavors as appropriate. They also must include, as appropriate, relevant agreements, manuals, implementation packages, instructions, and guidelines. A minimum duration of training must be specified which allows sufficient time for a

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youth to achieve those skills necessary to attain his/her learning objectives.

Pre-Assessment - Assessment of participant employment competency needs at the start of the program to determine if a youth requires assistance and is capable of benefitting from available services. A minimum level of need must be established before a participant is eligible to be tracked as a potential "attained PIC-recognized youth employment competency" outcome. All assessment techniques must be objective, unbiased and conform to widely accepted measurement criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers.

Post-Assessment (Evaluation) - Evaluation of participant achievement at the end of the program to determine if competency-based learning gains took place during project enrollment. Intermediate checking to track progress is encouraged. All evaluation techniques must be objective, unbiased and conform to widely accepted evaluation criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers.

Employability Development Planning - Use of assessment results in assigning a youth to appropriate learning activities/sites in the proper sequence to promote participant growth and development, remedy identified deficiencies, and build upon strengths.

Documentation - Maintenance of participant records and necessary reporting of competency-based outcomes to document intra-program learning gains achieved by youth.

Certification - Proof of youth employment competency attainment in the form of a certificate for participants who achieve predetermined levels of proficiency to use as evidence of this accomplishment and to assist them in entering the labor market.

"Youth Employability Enhancement Termination" - An outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following:

Attained (two or more) PIC-Recognized Youth Employment Competencies - Demonstrated proficiency as defined by the PIC in two or more of the following three skill areas in which the client was deficient at enrollment: Pre-employment/Work

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Maturity; Basic Education; or Job-specific Skills. Competency gains must be achieved through program participation and tracked through sufficiently developed systems that must include: quantifiable learning objectives, related curricula/training modules, pre- and post assessment, employability planning, documentation and certification.

Returned to Full-Time School - The total number of youth who,

had returned to full-time secondary school (e.g., junior high school, middle school and high school), including alternative school, if, at the time of intake the participant was not attending school, exclusive of summer, and had not obtained a high school diploma or equivalent and

prior to termination had been retained in school for one semester or at least 120 calendar days.

NOTE: Alternative School - A specialized, structured curriculum offered inside or outside of the public school system which may provide work/study and/or GED preparation.

Remained in School - The total number of youth who, prior to termination, had been retained in full-time secondary school, including alternative school, for one semester or at least 120 calendar days. A youth may be terminated with this enhancement only if he/she was attending school at the time of intake, had not received a high school diploma or equivalent, and was considered "at risk of dropping out of school", as defined by the Governor in this Section in consultation with the Illinois State Board of Education.

NOTE: To obtain credit for Returned to Full-Time School or Remained in School, SDAs must be prepared to demonstrate that retention results from continuing participation in JTPA activities and the youth must be making satisfactory progress in school, and for youth aged 16-21: attain a PIC-approved Youth Employment Competency in Basic Skills or Job Specific Skills and for individuals aged 14-15: attained a PIC-approved Youth Employment Competency in Pre-employment Work Maturity or Basic Skills.

Completed Major Level of Education - The total number of adults/youths who, prior to termination, had completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and post secondary. Completion standards:

shall be governed by state standard: and

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shall include a high school diploma, GED certificate or equivalent at the secondary level; and

shall require a diploma or other written certification of completion at the post-secondary level.

NOTE: To obtain credit, completion of a major level of education must result primarily from JTPA program participation of at least 90 calendar days or 200 hours.

Entered Non-Title II Training - The total number of adults/youth who, prior to termination, had entered an occupational-skills employment/training program, not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II.

NOTE: To obtain credit, the participant must have been retained in that program for at least 90 calendar days or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-Title II training, he/she may or may not have received JTPA services.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

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NOTICE OF RECODIFICATION

1) Heading of the Part: Small Business Impact Analysis Procedures

2) Code Citation: 1 Ill. Adm. Code 300

3) Date of Administrative Code Division Review:

4) Headings and Section Numbers of the Part Being Recodified: Heading of Title I

5) Outline of the Section Numbers and Headings of the Part as Recodified: The heading of Title I is changed from "Rules and Rulemaking" to "General Provisions" to comply with the rules of the Secretary of State at 1 Ill. Adm. Code 100.140.

6) Conversion Table of Present and Recodified Part? Not Applicable.

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1) Heading of the Part: Uniform Fiscal and Administrative Standards for the Job Training Partnership Act

2) Code Citation: 56 Ill. Adm. Code 2630

3)

Section Numbers:	Adopted Action:
2630.80	Amendment
2630.81	Repealed
2630.82	Amendment
2630.83	Amendment
2630.84	Repealed
2630.85	Amendment
2630.101	Repealed
2630.102	Repealed
2630.105	Amendment
2630.112	Amendment

4) Statutory Authority: Implementing and authorized by Ill. Rev. Stat. 1991, ch. 127, par. 46.40(b) [20 ILCS 605/46.40].

5) Effective Date of Amendments: JUN 17 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 8, 1994.

9) Notice of Proposal Published in Illinois Register: January 28, 1994 (18 Ill. Reg. 855).

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: New language was added to Section 2630.82(b)(4)(A) in response to discussions with JCAR staff.

In addition, numerous changes were made as recommended by the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The Job Training Partnership Act

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(JTPA) Amendments were signed into law in September of 1992 which implemented new federal standards for financial management as well as new federal cost principles. The adoption of these rule changes will result in the revision of fiscal and administrative standards for JTPA grantees which will place the State of Illinois in compliance with the JTPA Amendments of 1992.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 5th Floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2630
UNIFORM FISCAL AND ADMINISTRATIVE STANDARDS FOR
THE JOB TRAINING PARTNERSHIP ACT

SUBPART A: INTRODUCTION

Section
2630.2 Definitions
2630.5 Incorporation by Reference

SUBPART B: ADMINISTRATIVE STANDARDS AND PROCEDURES

Section
2630.80 Program Income
2630.81 Insurance (Repealed)
2630.82 Procurement
2630.83 Property Management
2630.84 Management Systems, Reporting, and Recordkeeping (Repealed)
2630.85 Cash Management

SUBPART C: FISCAL STANDARDS AND PROCEDURES

Section
2630.100 Allowable Costs
2630.101 Classification of Costs (Repealed)
2630.102 Limitations on Certain Costs (Repealed)
2630.103 Matching Funds (Repealed)
2630.105 Fixed Unit Price Contracting

SUBPART D: COST DETERMINATION

Section
2630.110 Principles for Determining Costs
2630.111 Guidelines for Cost Allocation Plans
2630.112 Standards for Selected Items of Cost
2630.113 Indirect Cost Proposals
2630.114 Suggested Bases for Cost Distribution

SUBPART E: AUDIT

Section
2630.120 Audit Requirements
2630.121 Oversight
2630.122 Sanctions
2630.123 Federal Cognizance

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AUTHORITY: Implementing Section 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.41) [20 ILCS 605/46.41] and the Job Training Partnership Act (29 U.S.C.A. 1501 et seq., revised 1990) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.40(b)) [20 ILCS 605/46.40].

SOURCE: Adopted at 8 Ill. Reg. 3616, effective March 12, 1984; amended at 8 Ill. Reg. 14307, effective August 2, 1984; amended at 8 Ill. Reg. 16422, effective August 31, 1984; amended at 8 Ill. Reg. 22515, effective November 5, 1984; amended at 9 Ill. Reg. 6159, effective April 24, 1985; amended at 9 Ill. Reg. 6692, effective April 25, 1985; amended at 9 Ill. Reg. 18475, effective November 18, 1985; amended at 9 Ill. Reg. 20669, effective December 16, 1985; amended at 10 Ill. Reg. 8083, effective May 6, 1986; amended at 10 Ill. Reg. 21069, effective December 5, 1986; amended at 11 Ill. Reg. 11682, effective June 29, 1987; amended at 12 Ill. Reg. 15961, effective September 26, 1988; amended at 14 Ill. Reg. 13984, effective August 20, 1990; amended at 14 Ill. Reg. 20349, effective December 7, 1990; amended at 15 Ill. Reg. 16032, effective October 24, 1991; amended at 16 Ill. Reg. 1524, effective January 13, 1992; amended at 16 Ill. Reg. 6796, effective April 14, 1992; amended at 18 Ill. Reg. _____, effective JUN 17 1994.

SUBPART B: ADMINISTRATIVE STANDARDS AND PROCEDURES

Section 2630.80 Program Income

~~a) General.--Income generated under any program and accrued--interest--on such--program--income--shall be used to further program objectives and may be retained by the grantee or returned to the State.~~

~~b) Program income may--be--retained--by--the--grantee--if--the--following conditions are met:~~

~~1) such--program--income--is--documented--in--accordance with fiscal management regulations and procedures prescribed in 56 Ill.--Adm. Code 2610, 2620, and 2630, and~~

~~2) the--grant--between--the--Illinois--Department--of--Commerce--and Community--Affairs--and the grantee does not specifically provide for program income disposition.~~

~~c) Program income must be returned to the State--within--thirty--days--of receipt if the aforementioned conditions are not met.~~

Program income earned on JTPA property after the funding period in which it was purchased shall be used for JTPA purposes and under the terms and conditions applicable to the use of grant funds.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.81 Insurance (Repealed)

~~a) General.---Each--grantee--shall follow its normal insurance procedures~~

~~except as otherwise indicated in this section, or except as specified in the grant.~~

~~b) The State of Illinois assumes no liability with respect to bodily injury, illness, or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA grant or agreement whether concerning persons or property in the grantee's or other subgrantee's organization or any third party.~~

~~c) Grantees shall secure insurance coverage for injuries suffered by participants who are not covered by existing worker's compensation. Contributions to a reserve for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are allowable and are chargeable to participant support or training.~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.82 Procurement

a) Procurement Systems for State Agency ~~Grantees and Subgrantees~~ Subrecipients - State agency ~~grantees and subgrantees~~ subrecipients shall administer procurement systems in accordance with the Standard Procurement Rules of the Department of Central Management Services (44 Ill. Adm. Code 1) for selection of JTPA providers.

b) Procurement Systems for Non-State Agency ~~Grantees and Subgrantees~~ Subrecipients - All ~~grantees and subgrantees~~ subrecipients shall administer procurement systems. The procurement system shall take into consideration past performance (e.g., entered employment rates, cost per placement, and ability to meet contract objectives). The procurement system may consider other criteria as determined locally. The procurement system shall include the following requirements:

1) ~~Grantee~~ Subrecipient/Grantor Responsibility
These standards do not relieve the ~~grantee/subgrantee~~ subrecipient of any contractual responsibilities under its contracts. The ~~grantee/subgrantee~~ subrecipient is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements entered in support of ~~a~~ an ~~grant~~ award. These include but are not limited to source evaluation, protests, disputes, and claims. Violations of law are to be referred to the local, State, or Federal authority having proper jurisdiction.

2) Code of Conduct

A) ~~Grantees/subgrantees~~ Subrecipients shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. ~~Pursuant to Section 141(f) of the Act, no Private Industry Council (PIC) member shall participate in the selection or in the award of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.~~ Each subrecipient shall ensure that no individual in a decisionmaking capacity, including PIC members (whether compensated or not), shall engage in any activity, including participation in the selection, award, or administration of a contract supported by JTPA funds, if a conflict of interest, real or apparent, would be involved. A PIC member shall not cast a vote on, nor participate in, any decisionmaking capacity on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member. Additionally, no employee, officer or agent of the ~~grantee/subgrantee~~ subrecipient, or governing body of the grantee shall participate in the selection, ~~or in the~~ award, or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Such a conflict shall arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization which employs, or is about to employ any of the previously identified, has a financial or other interest in the entity selected for an award. This provision does not prohibit a community based organization, education agency, employer, or other ~~service provider~~ contractor represented by a PIC member from receiving ~~a~~ an ~~subgrant~~ award for the provision of training and/or services to participants. However, when such a conflict of interest arises, PIC members must abstain from voting on the award ~~of the subgrant~~. The ~~grantee~~ subrecipient is prohibited from awarding a ~~subgrant~~ contract:

i) to any PIC member for performing administrative services (i.e., consultant services, accounting services, etc.); or

ii) to any PIC member or entity with which he/she is affiliated which results in direct personal gain to the PIC member.

B) The ~~grantee's/subgrantee's~~ recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from ~~service providers~~ contractors, potential ~~service providers~~ contractors (i.e., persons who perform services of type contracted for), or parties to grants.

3) Selection Procedures

A) All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition consistent with this Section. Procurement procedures shall not restrict or eliminate

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competition. Examples of what shall be considered to be restrictive of competition include, but are not limited to:

i) placing unreasonable or different requirements on various firms in order for them to qualify for the same procurement;

ii) noncompetitive practices between firms;

iii) organizational conflicts of interest;

iv) unnecessary experience and bonding requirements (i.e., requests for qualifications or experience that are not related to the services to be procured);

v) non-competitive awards to consultants that are on retainer contracts; ~~and~~

vi) specifying only a "brand name" product instead of allowing an "equal" product to be offered and describing the performance of other relevant requirements of the procurement~~.~~;

vii) overly restrictive specifications; and

viii) any arbitrary action in the procurement process.

B) The ~~grantee/subgrantee~~ recipient shall have written selection procedures which shall provide, at a minimum, the following procedural requirements:

i) Solicitations of offers, whether by competitive sealed bids or competitive proposals shall incorporate a clear and accurate description of the technical requirements for the service to be procured. Such description shall not, in competitive procurements, contain features which restrict competition. The description shall include a statement of the qualitative nature of the service to be procured and set forth those standards to which the service shall conform in order to meet the program purpose. Solicitations of offers shall clearly set forth all requirements that ~~service--providers/~~contractors must fulfill and all other factors to be used in evaluating proposals pursuant to Section 2630.82(b)(3)(B)(ii) of this Part.

ii) ~~Awards----shall----be----made----only----to----service providers/contractors-that-demonstrate-the-ability--to meet-objectives-of-the-proposed-procurement.--Examples of-how-the-ability-to-meet-the-procurement-objects-can be---demonstrated---include,---but---are--not--limited to:--financial--resources,--technical--qualifications, experience,-organization-and--facilities--adequate--to carry---out---the---project;--resources--to--meet--the completion--schedule--contained--in--the--contract;--a satisfactory--performance--record--for--completion--of contracts;--and--accounting--and--auditing--procedures adequate--to--control--property,--funds--and---assets, pursuant-to-Sections-2630.83(a)-and-(b)-and-2630.84(c)~~

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~~through-(i)-of-this-Part.~~

Awards are to be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of the proposed contract. Such determinations shall be in writing, completed prior to the award of the contract, and take into consideration such matters as whether the organization has:

Adequate financial resources or the ability to obtain them;

Technical qualifications, experience, organization, and facilities adequate to meet the program design specifications, as well as the ability to meet the performance goals;

A satisfactory record of integrity, business ethics, and fiscal accountability;

The necessary organization, experience, and operational controls;

Accounting and auditing proceedures adequate to control property, funds, and assets, pursuant to Section 2630.83(a) and (b) and 2630.84(c) through (i) of this Part;

For Title II programs, the ability to provide services that can lead to the achievement of competency standards for participants with identified deficiencies; and

A satisfactory record of past performance (in job training, basic skills training, or related activities) which shall include, but is not limited to: demonstrated quality of training, retention in training, the ability to provide or arrange for appropriate supportive services as specified in this Individual Service Strategy (ISS), including child care, training completion, job placement, rates of licensure, retention in employment, and earning rates of participants.

iii) When a subrecipient determines that services will be provided by its own staff, a determination shall be made of the demonstrated performance of the staff to operate the program. This demonstration shall be in writing and take into consideration the matters listed in (b)(3)(B)(ii).

C) ~~Grantees/subgrantees~~ Subrecipients shall conduct a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency,

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~~grantees--and-subgrantees~~ recipients are encouraged to enter into inter-~~grantee~~agency agreements for procurement or use of common goods and services. ~~Grantees-and-subgrantees~~ Subrecipients are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

D) The ~~grantees--and--subgrantees~~ subrecipients shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

i) placing qualified small and minority businesses and women's business enterprises on solicitation lists;

ii) assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;

iii) dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises;

iv) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business and women's business enterprises;

v) using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

vi) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subsections(b)(3)(D)(i) through (v).

E) Contract Cost and Price

i) ~~Grantees-and-subgrantees~~ Subrecipients must perform a cost or price analysis in connection with every procurement action, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, ~~grantees~~ subrecipients must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his/her estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis shall be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price

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analysis shall be used in all other instances to determine the reasonableness of the proposed contract price.

ii) JTPA procurements shall not permit excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities). ~~Grantees-and-subgrantees~~ Subrecipients shall negotiate profit or program income as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit or program income, consideration shall be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, ~~and~~ industry profit rates in the surrounding geographical area for similar work, and market conditions in the surrounding geographic area.

iii) Costs or prices based on estimated costs for contracts ~~under--grants~~ shall be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with the cost principles as shown in Section 2630.110.

iv) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

v) Additionally, in the case of fixed unit price/performance based contracting, all contracts must conform to the provisions of Section 2630.105.

vi) Procurement transactions between units of state or local governments, and any other entities organized principally as the administrative entity for service delivery areas or substate areas, shall be conducted on a cost reimbursable basis.

F) ~~Grantee/subgrantee~~ Subrecipient contracts must contain the following provisions:

i) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and shall provide for such sanctions and penalties as may be appropriate.

ii) Termination for cause and for convenience by the ~~grantee--or--subgrantee~~ subrecipient, including the manner by which termination will be effected and the basis for settlement.

iii) Compliance with federal Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and as supplemented in U.S. Department of Labor regulations (41 CFR 60, revised as

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of July 1, 1989).

iv) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR 3, revised as of July 1, 1989).

v) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR 5, revised as of July 1, 1989).

vi) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR 5, revised as of July 1, 1989).

vii) Notice of Departmental requirements and regulations pertaining to reporting, if any.

viii) Notice of Departmental requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

ix) Departmental requirements and regulations pertaining to copyrights and rights in data as contained in the grant agreement.

x) Access by the ~~grantee~~ grantor, the ~~subgrantee~~ subrecipient, the U.S. Department of Labor, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records (including computer records) of the contractor which are directly pertinent to that specific contract for the purpose of making audits, examinations, excerpts, ~~and~~ transcriptions, and photocopies. This right also includes timely and reasonable access to contractors' and subcontractors' personnel for the purpose of interviews and discussions related to such documents.

xi) Retention of all required records for three years after ~~grantees or subgrantees~~ subrecipients make final payments and all other pending matters are closed.

xii) Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and U.S. Environmental Protection Agency regulations (40 CFR 15, revised as of July 1, 1989).

xiii) Mandatory standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163, effective December 22, 1975).

xiv) ~~Grantees--and--subgrantees~~ Subrecipients acknowledge that receipt of funds under a contract may require compliance with Section 319 of Public Law 101-121 (31

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U.S.C.A. 1352) regarding the certification and disclosure of lobbying activities with the Federal Government and agree to comply with those provisions, and all Federal rules promulgated by the Federal Grantor, which is the funding source for implementation of the Federal program; and shall require that this assurance of compliance with Federal lobbying restrictions is part of any agreement with all subrecipients ~~or subgrantees~~.

xv) ~~Grantees---and---subgrantees~~ Subrecipients receiving Federal funds of $25,000 or more must provide assurance of nondebarment, nonsuspension and other responsibility matters pursuant to Executive Order 12549 and 29 CFR 98 (as published in the May 26, 1988 Federal Register at 53 FR 19188).

xvi) Compliance with the JTPA.

xvii) Audit rights and requirements.

xviii) Payment conditions and delivery terms.

xix) Process and authority for contract changes.

xx) Provisions against assignment.

G) ~~Grantees--and--subgrantees~~ Subrecipients shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.

H) ~~Grantees-and-subgrantees~~ Subrecipients shall make available, upon request of the Department, technical or any other specifications on proposed procurements where the Department believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review may take place prior to or after the time the specification is incorporated into a solicitation document. ~~Grantees--and--subgrantees~~ Subrecipients must on request make available for Departmental pre-award review, procurement documents such as Requests for Proposals or invitations for bids, and cost estimates.

I) Each procurement shall clearly specify deliverables and the basis for payment.

4) Methods of Procurement - Procurement under grants shall be made by one of the following methods: procurement by small purchase procedures, procurement by sealed bids, procurement by competitive proposals, or procurement by noncompetitive proposals.

A) Small purchase procedures are those relatively simple (e.g., price or rate quotations documented to the file which describe what is being procured, date provided, provider, amount and delivery date) and informal procurement methods

for securing services, supplies, or other property that do not cost more than $25,000 in the aggregate with a single vendor during a fiscal year. If small purchase procurements are used, price or rate quotations will be obtained from an adequate number of qualified sources. For the small purchase procurement of vendor services, proposals to provide the services must additionally be solicited in writing. The written solicitation must minimally include:

i) a description of services to be provided and any deliverables to be prepared, and associated timeframes;

ii) an identification of the required content of written proposals, which minimally includes an explanation of the vendor's qualifications to provide requested services, a workplan for providing services, and a delineation of all costs associated with providing services; and

iii) a due date for the receipt of proposals.

A written explanation regarding the selection of a vendor to provide services must be maintained in the procurement file.

B) Sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price. The sealed bid is the preferred method for procuring construction, if the conditions which follow apply. In order for sealed bids to be feasible, the following conditions should be present: a complete, adequate and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the business; and the procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally on the basis of price. If sealed bids are to be used, the following requirements apply:

i) the invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers as evidenced by documentation of an attempt to identify and obtain three bids, providing them sufficient time (a minimum of ten working days) prior to the date set for opening the bids;

ii) the invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

iii) all bids shall be publicly opened at the time and place prescribed in the invitation for bids;

iv) a firm-fixed-price contract award will be made in writing to the lowest responsive and responsible

bidder. Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

v) any or all bids may be rejected if there is a sound, documented reason.

C) Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

ii) Proposals will be solicited from an adequate number of qualified sources;

iii) ~~Grantees and subgrantees~~ Subrecipients will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

iv) Award will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

v) ~~Grantees--and--subgrantees~~ Subrecipients may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

D) Procurement by noncompetitive proposal is procurement through solicitation of a proposal from only one source ~~or PIC--approved--continuation~~, the funding of an unsolicited proposal, or, after solicitation of a number of sources, when competition is determined inadequate. Subrecipients shall minimize the use of sole source procurements to the extent practicable, but in every case, the use of sole source procurements shall be justified and documented.

i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under

small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the Department authorizes noncompetitive proposals; or after solicitation of a number of sources, competition is determined inadequate.

~~ii) Programs--whose--funds--are--allocated--under-Sections 202(a),--202(b)(2),--252(b),--and--302(d)--which---are determined--to--be--effective-by-the-PIC-using-locally developed-standards-of-effectiveness-may-be--continued by--noncompetitive--proposals-if-the-PIC-reviews-their performance-and-supports-continuation-of-the-grant.~~

~~iii~~ii) Cost analysis, i.e., verifying the proposed cost data, and the evaluation of the specific elements of costs and profit, is required.

5) ~~Grantee~~ Subrecipient Procurement Records

~~Grantees~~ Subrecipients shall maintain records which detail the history of a procurement. These records shall include, but are not necessarily limited to, the following: the method of procurement, the selection of contracts type, the basis for the selection or rejection of a ~~service provider~~ contractor, and the basis for the contract price.

6) All subrecipients must have protest procedures to handle and resolve disputes relating to procurements, including requirements for a protestor to exhaust all administrative remedies with the subrecipient before pursuing a protest at a higher level.

c) Sole source awards for on-the-job training of program participants may be made, provided that an employer-employee relationship exists and that the employer will provide job training to enable the participant to perform as a regular employee of the employer's (or another employer's) establishment. When such awards are made, records of the awards shall be maintained.

d) All ~~grantees-and-subgrantees~~ recipients shall maintain a list of potential ~~providers~~/contractors who have expressed an interest, in writing, in being considered for awards. The list shall include names, addresses, and services. All potential ~~providers~~/contractors~~,~~ who have expressed interest in being considered for awards~~,~~ shall be sent Requests for Proposals for the area or areas of service for which they wish to be considered. The list shall be considered to be public information.

e) Classroom training, either vocational or academic, may be procured through sole source award without a cost analysis provided that:

1) the training is provided by an accredited or certified institution;

2) tuition is charged, on a per hour, per course, or per curriculum rate;

3) the training is the same provided to non-JTPA individuals; and

4) the tuition rate is listed in a course catalog and is the same as for non-JTPA individuals.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.83 Property Management

a) ~~Personal--and-real-property-procured-with-grant-funds-must-be-used-for grant--purposes.~~ Non-expendable personal property is defined as equipment or other personal property of a tangible nature having a useful life of more than one year and having an acquisition cost of $300 or more. This definition is not meant to include equipment given to participants for use in training or use in employment upon termination from JTPA.

~~b) The--grantee--shall--maintain--accountability--for--such--property--in accordance-with-Section-2630.84(c)-and-(e)-of-this-Part.~~

~~c~~b) The State shall retain title to ~~all~~ real and non-expendable personal property.

~~d) Non-expendable--personal--property--is--defined--as-equipment-or-other personal-property-of-a-tangible-nature-having-a-useful--life--of--more than-one-year-and-having-an-acquisition-cost-of-$100-or-more.~~

~~e~~c) The grantee may not purchase equipment with a unit acquisition cost greater than $1,500 without prior written approval from the State.

~~h~~d) Standards used in determining whether to grant approval include the necessity of such purchases to achieve program goals and the planned expenditure for such purposes as compared to other available prices.

~~f~~e) All real property~~,~~ and non-expendable personal property ~~with--an acquisition--cost--of-$300-or-more,~~-shall be maintained on the State's inventory system. ~~Non-expendable-personal-property~~ Equipment with an acquisition cost of less than $300 shall be maintained on the grantee's inventory system.

~~g~~f) Disposition of ~~all~~ real and non-expendable personal property will be per written instructions and communications received by the grantee from the Department. Equipment with an acquisition cost of less than $300 will be disposed of at the discretion of the grantee.

~~h) Standards--used--in--determining-whether-to-grant-approval-include-the necessity-of-such-purchases--to--to--achieve--program--goals--and--the planned--expenditure--for-such-purposes-as-compared-to-other-available prices.~~

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.84 Management Systems, Reporting, and Recordkeeping (Repealed)

~~a) General.----Records--shall--be--maintained--by--the--grantee--of--each participant's-enrollment-in-a-JTPA-program--in--sufficient--detail--to~~

~~demonstrate--compliance--with-the-relevant-eligibility-criteria-of-the JTPA-in-Titles-II-and-III-of-the-Act.~~

~~b) Records-shall--be--maintained--by--the--grantee--of--such--participant information-as-may-be-necessary-to-develop-and-measure-the-achievement of--performance-standards-established-by-the-Secretary-and/or-Governor in-accordance-with-Titles-II-and-III-of-the-Act.~~

~~c) Grantees--shall--develop--procedures--for--retention--of--all--records pertinent--to--all--subgrants,--grants---and---agreements,---including financial,---statistical,---property,---and--participant--records--and supporting-documentations,-for-a-period-of-three-years-from--the--date of--obligation--of-funds.--Records-for-nonexpendable-personal-property shall-be-retained-by-the-grantee-for-a-period--of--three--years--after final-disposition-of-the-property.~~

~~d) Grantees--shall--maintain--the--records--beyond-the-three-years-if-any litigation-or-audit-is-begun-or-if-a-claim-is-instituted-involving-the subgrant,-grant--or--agreement--covered--by--the--records.---In--these instances,--the--records-will-be-retained-until-the-litigation,-audit, or-claim-has-been-resolved.~~

~~e) Grantees--shall--be--responsible--for--maintaining--control--over--and accountability-for-all-funds,-property,-and-other-assets.~~

~~f) Grantee-financial--management--systems--shall--provide--for--accurate, current,--and--complete--disclosure--of--the-financial-results-of-each program.~~

~~g) Grantees--shall---support---all---accounting---records---with---source documentation-e.g.,-invoices,-receipts,-and-remittance-advices.~~

~~h) Grantees--and--subgrantees--shall--ensure--that--financial--management systems---allow--for--the--determination--of--the--reasonableness--and allocability-of-costs--in--accordance--with--standards--set--forth--in Subpart-C-of-this-Part.~~

~~i) Grantees--shall-ensure-that-financial-management-systems-shall-provide that-funds-and-assets-are-used-solely-for-their-intended-purpose.~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.85 Cash Management

a) Grantees shall make all cash depositories in accounts covered under Federal Depositors Insurance Corporation or Federal Savings and Loan Insurance Corporation agreements.

~~b) In--the--event--the--Department--employs-a-letter-of-credit-procedure, separate-accounts-must-be-used-by-grantees-for-each-letter-of-credit.~~

~~c~~b) Grantees shall provide ~~for~~ bonding ~~of--fiscal--employees~~ for every officer, director, agent or employee who handles funds (cash, checks or other instruments of payment for program cost) under this agreement. The amount of coverage shall be the higher of $100,000 or the highest cash drawdown planned during the term of this agreement.

c) Grantees and subgrantees other than a State entity shall account for interest earned on advances of federal funds as program income, as

provided for at 20 CFR, Part 627, subpart D, paragraph 627.450.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

SUBPART C: FISCAL STANDARDS AND PROCEDURES

Section 2630.101 Classification of Costs (Repealed)

~~Costs--shall--be--classified-according-to-the-provisions-of-federal-regulations published-in-the-Federal-Register-on-September-22,-1989-at--54--FR--39131-39148 and-codified-at-28-CFR-629,-630,-and-631-(April-1,-1991-edition).~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.102 Limitations on Certain Costs (Repealed)

~~Grantees-shall-observe-limitations-on-costs-in-accordance-with--the--provisions of--federal-regulations-published-in-the-Federal-Register-on-September-22,-1989 at-54-FR-39134-and-codified-at-20-CFR-629.39-(April-1,-1991-edition).~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.105 Fixed Unit Price Contracting

a) ~~Training--Activities--Chargeable--under--federal-regulations-published September-22,-1989-in-the-Federal-Register-at-54-FR-39133-and-codified at--20--CFR--629.30(e)(2)--(April--1,--1991---edition).~~ Fixed Unit Price/Performance Based Contracts

1) ~~For--the-purpose-of-20-CFR-629.30(e)(2),-training-must-consist-of a---core---of---either----occupational----training----or----basic skills/remediation-training,-or-both.-Provided-that-core-training is--the--primary--purpose--of--the--contract,--other--elements-of training---such---as---outreach,---intake,---skill----assessment, employability--development--planning,--participant--services,-job search-assistance-and--follow-up--services--are--allowable.---For programs--authorized--under--the--EDWAA--amendments-to-JTPA,-core training-will-consist-of-the-activities-authorized-under--Section 314(d)(1)--of--the-Act,-"retraining-services",-with-the-exclusion of-out-of-area-job--search--and--relocation.---Training--must--be geared-to-making-the-participant-employment-competent-and-must-be tied--to--a--specific-or-general-occupational-target.--Job-search assistance-only-and-the-types-of-participant-intervention-that-do not-provide-core-training-are-not-acceptable-for-the--purpose--of 20-CFR-629.30(c)(2).~~ Fixed unit price/performance based contracts are allowable provided the costs are charged to the cost category benefiting from such costs. The requirements specified in

(a)(2), as a minimum, must be met for each contract.

2) Fixed unit price contracts are required to outline all elements of the ~~training-package~~ contract. Each fixed unit price contract must ~~clearly~~ list and separately price each ~~type--of--training curriculum--to--be-provided~~ program activity included. ~~Curricula are-to-be-priced-by-type,-duration,-and-other--factors--governing instructional--costs,-material-costs,-or-facility-costs,-and-each contract-must-specify-the--fixed--unit--price--of--each--type--of planned-training.--All-elements-constituting-the-training-package must--be--clearly-spelled-out-in-the-contract.--This-includes-the course-schedule-for-each-element,-the-hours-and/or-the-numbers-of weeks-of-training,-the-expected-number-of-participants-who--would require--the-element,-the-policy-regarding-non-completers-and-the measurable--outcome.~~ Comprehensive service contracts are acceptable as long as each ~~sequence~~ program activity is outlined and ~~each-training-curriculum~~ has a separate unit price. ~~Each participant--receiving--service--under-this-type-of-contract-must receive-core-training.~~ Minimally acceptable requirements for ~~curricula--and-core-training-must-be-developed-at-the-local-level~~ each activity must be developed at the local level and identified in contracting procedures. Any program activity under the Act is allowable as a deliverable under such contracts.

~~3) Placement-must-be-at-or-above-the-specific-wage-in-the--agreement and--reflect--an--appropriate-entry-wage-rate-for-the-specific-or general-occupational-target,-given-the-relative--skill--level--of trainees.---Full--performance--for--youth-is-attainment-of-one-or more-PIC-recognized--competency--skill--areas--per--the--list--of positive-outcomes-found-in-Section-106(b)(2)-of-the-Act-or-if-the training-results-in-unsubsidized-employment.~~

b) Payments to ~~Contractors-Under-20-CFR-629.30(e)(2)~~ Subrecipients Under Fixed Unit Price Contracts

1) When seeking reimbursements from the grantee, a subgrantee must submit the following reports:

A) A performance report which identifies the participant's name, the social security number of participants, the program activities, the benchmarks achieved and the total reimbursement claim for the performance.

B) An expenditure report which identifies the various costs and the categories to which that total claim is to be charged.

~~1~~2) Full payment of the fixed unit price contract is made only upon completion of a program activity ~~training,--placement--in--the occupation--or--within-a-general-occupational-target-trained-for, and-at-not-less-than-the-wage-rate-specified--in--the--agreement. This--wage--rate--shall--be--developed--locally--and--reflect-the appropriate--entry--level--wage--for--the--specific--or---general occupational-target-given-the-relative-skill-level-of-trainees.~~

~~2~~3) Benchmark payments may be under fixed unit price contracts only after the participant has received ~~receives~~ some level of ~~occupational--or--remedial--core--training~~ properly documented

service. The criteria required to document the attainment of such benchmarks must be specified in the contractual agreement. Payment of benchmarks may not be more than the estimated cost of ~~the-training~~ all activity increments and the subtotal of all benchmark payments prior to ~~placement~~ completion of the activity must be not more than the total costs associated with the operation of the contract.

~~3) In--cases--where--the-participants-are-placed-successfully-but-do not-complete-training,-or-complete-training-and-are-placed--below the-specified-wage-level,-the-agreement-must-provide-for-a-method to-reduce-the-payment.---Costs-associated-with-intake,-enrollment, assessment-or-job-search-activities-without-participation-in-core training--are--not--chargeable--100--percent-to-the-training-cost category.---Local-contracting-procedures-must-include--methodology to--determine--costs-budgeted-to-the-appropriate-cost-categories. The-payment-schedule-amount-for-any-intermediate-benchmark-cannot be-more-than-the-estimated-costs-of-providing-that--increment--of the-planned-training.~~

~~4) Contracts-written-under-the-provisions-of-20-CFR-629.30(e)(2)-may not---involve---intermediary---administrative---agencies---unless administrative---costs---associated---with---these--agencies--are identified-and--charged--to--the--administrative--cost--category. On-the-job--training--agreements--may--be-written-pursuant-to-one general-contract-provided-that-the-general-contract-specifies-the type-and-duration-of-OJT-to-be-developed-and-other-services-to-be performed-so-that-proposed-costs-can-be-fairly-analyzed.~~

~~5~~4) In order to qualify ~~for-provisions-at-20-CFR--629.30(e)(2)~~ as a fixed unit price contract, a minimum level of contract ~~placement (for--competency--attainment--in--the--case--of--youth--contracts)~~ performance to be attained must be specified in the contractual agreement. A level of ~~placement--(for-competency)~~ performance below this threshold ~~shall~~ would constitute a failed contract and the ~~costs~~ profits (excess revenues) attributed to the agreement must be ~~allocated--among-the-three-cost-categories.--Procedures for-this-allocation-must-be--established--and--specified--in--the contract-agreement~~ paid back to the grantee.

~~6) A-significant-portion-of-the-total-fixed-price-shall-be-held-back until--earned--through-placement-in-order-to-ensure-the-principle of-contractor-risk-and-to--stimulate--contractor--performance--to earn--full-payment.--A-hold-back-level-of-25-to-30-percent-of-the total-unit-price-is-recommended,--although--this--amount--may--be adjusted--to--accommodate-longer-term-and-more-intensive-programs serving-at-risk-populations,-recognizing-the-operational-needs-of contractors-for-funds.~~

c) Revenue in Excess of Costs or Profits for Public or Private Non-Profit Contractors

1) Revenues earned by ~~Public~~ public or private non-profit ~~contractor~~ subgrantees ~~revenues~~ which are in excess of costs must be treated as program income. These funds must be used ~~to--underwrite~~

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~~training---or--training--related--services--consistent--with--the purposes-of-JTPA.~~ in accordance with the provisions of 627.450 of the JTPA regulations. ~~Contractors~~ Subrecipients must comply with accounting and recordkeeping requirements ~~of-this-Part-so-that the-amount-of-program-income-accrued-by-the--contractors--can--be determined.---Program--income--must-maintain-its-identity-as-JTPA funds~~ specified in the Act and the JTPA federal regulations so that the amount of the program income can be determined.

2) Fixed unit price contracts must identify the ~~estimated~~ costs of ~~training~~ program activity, the amount of program income allowable, and the method of disposition of the program income. Program income recaptured by the ~~grant--recipient~~ grantee must follow the guidelines of ~~Section-2630.00.~~ 627.450 of the federal JTPA regulations. Program income must be treated the same as other funds in a contractual agreement and are subject to the same audit requirements. Program income ~~could~~ may be used to pay for required audits.

3) Purchases of non-expendable personal property are allowable only if agreed upon in the contract negotiations and contract budget and are specific as to amount and type of cost. ~~As--a--reminder, the~~ The State retains title to all ~~real-and-non-expendable~~ personal property ~~(Section--2630.03).~~ purchased with program income.

4) For-profit subsidiaries of not-for-profit organizations which enter agreement pursuant to ~~20-CFR-629.30(e)(2)~~ the requirements of this Section shall be considered wholly owned subsidiaries of and maintain the same not-for-profit status as the parent organization.

5) When ~~profits~~ program income (or revenues in excess of costs) ~~are~~ is earned by a ~~contractor-or--service--provider~~ subgrantee, the grantee may allow the ~~service-provider~~ subgrantee to retain the profits and utilize profits to further JTPA objectives in accordance with an established contract, or require that all ~~profits~~ program income earned by ~~service-providers~~ the subgrantee be returned to the grantee. Following are recordkeeping and accounting requirements for each of these options.

   A) ~~Service--Provider--Retains--Profit~~ The grantee may allow ~~profits~~ the program income to be retained by the ~~service provider~~ subgrantee. The ~~service-provider~~ subgrantee may use these profits to conduct additional fixed unit price contract activities or non-fixed unit price type of contracting activity in accordance with ~~the~~ provisions of this Section, the Act and U.S. DOL regulations. ~~20-CFR 629.30(e)(2)-and-the-United--States--Department--of--Labor's (DOL's)--official--interpretation--as-published-in-the-March 13,-1989-Federal-Register--at--54--FR--10459-10467,--or--the service--provider--may--use--profits-to-further-JTPA-program objectives--and--expend--such--funds---for---administration, training,--and/or--supportive--services-through-a-line-item,

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~~cost--reimbursement--contract.---If--the--service---provider expends--profits--through-a-cost-reimbursement-contract,-the fiscal-and-administrative-standards--for--the--Job--Training Partnership---Act---(Sections---2630.2,--2630.02,--2630.100, 2630.101,--2630.102,--2630.110,--2630.111,---2630.112,---and 2630.114)--are--applicable.--The-following-provisions-should be-reflected-in-the-"Assurances"-section-of--contracts--with service-providers.~~

   i) All ~~profits~~ program income must be accounted for separately, by contract, program year, and title, at the ~~service--provider~~ subrecipient level. At the end of the contract, ~~profits~~ the program income must be reported to the grantee.

   ii) At the end of the program year, contract period, or the grantee's established close-out date, whichever is appropriate, a "contract close-out" showing the amount of ~~profit~~ program income earned must be submitted to the grantee for each contract. Subsequently, audited financial statements must be obtained by the grantee to confirm the final expenditures as reported on the close-out. The audits must be performed in accordance with "Government Auditing Standards, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" (1988 revision, issued by the Comptroller General of the United States, United States General Accounting Office and for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, stock number 020-000-00243-3) and the "Compliance Supplement for Single Audits of State and Local Governments" (April 1985, issued by the Executive Office of the President, OMB and for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402).

   iii) Before proceeding to expend ~~profits~~ program income, the ~~service--provider~~ subgrantee must receive written permission from the grantee under the provisions of a contract.

   iv) The ~~profits~~ program income may be expended by the ~~service--provider~~ subgrantee on an ongoing basis throughout the term of the original contract or in ~~a subsequent--program--year.~~ accordance with grantee policy. However, in any case, the provisions of 20 CFR 627.450 must be met. If the ~~service--provider~~ subgrantee is allowed to expend the ~~profits~~ program income on an ongoing basis, the original contract must specify the scope of work to be achieved by the expenditure of the ~~profits~~ program income.

   v) At the ~~service--provider~~ subgrantee level, GAAP fund

accounting practices must be followed. Costs that benefit more than one contract (cost objective) must be allocated between the benefitting contracts according to the provisions of this Part. All costs charged against the original contract or the expenditure of the ~~profits~~ program income must be in accordance with the provisions of the Act, this Part, and applicable policies.

vi) The grantee must implement a tracking mechanism that will identify and track the amount of ~~profits~~ program income earned and the amounts expended by each ~~service provider~~ subgrantee, by contract and by title.

vii) If a ~~service--provider~~ subgrantee that generated the ~~profits~~ program income is not selected to provide services in a subsequent program year, the unexpended ~~profits~~ program income must be returned to the grantee.

viii) The ~~profits~~ program income earned by ~~service providers~~ subgrantee on a fixed unit price contract is ~~are-not~~ to be reported to the Department by the grantee ~~as--program--income-on~~ in the grant close-out report. ~~These-profits-do-not-become-part-of-the--JTPA funds--that--the-grantee-receives-from-the-Department. However-these-funds--must--be--accounted--for--at--the grantee--and--service--provider--level.---Further,-the grantee-must-submit-a-report--on--the--expenditure--of profits--to-the-Department-each-year-by-September-30th separate-from-the-grant-close-out.~~

ix) All ~~profits~~ program income must be expended ~~within--2 years--of--the--program--year--in-which-it-was-earned. Funds-not-expended-during-this-period-must-be-returned to-the-Department.--It-is-recommended-that-profits--be expended--on--an-accounting-first-in,-first-out-basis.~~ in accordance with 20 CFR 627.450 and Section 165(d)(2) of the Act.

x) All non-expendable property procured with the ~~profits~~ program income will be JTPA property, to be tagged with Department tags~~,~~. ~~and-property~~ Property records must be maintained by the grantee.

xi) All participants served with the expenditure of ~~profits~~ program income must be tracked according to the management information system reporting requirements established by the Department.

~~B) Grantee-Recaptures-Profit~~

~~The--grantee--may--require--that--any--profits-earned-by-the service-provider-be-returned-to-the-grantee.--The--recapture (refund)--of--profits--will--be-used-to-establish-a-"program income"-revolving-fund-(separate-from--title--funds).---This recapture--(refund)--of-profits-is-not-to-be-reported-to-the Department-on-the-close-out-package.~~

~~i) The-grantee-may-retain-the-program-income-for-its--own use--or--use--it-to-support-a-fixed-unit-price-or-cost reimbursement-contract-with-any-service--provider--(in accordance--with--guidelines-in-subsection-(e)(5)(A)). The-expenditure-of-program-income-must-comply-with-the fiscal--and--administrative--standards--for--the---Job Training--Partnership--Act--(Sections-2630.2,-2630.02, 2630.100,--2630.101,--2630.102,--2630.110,---2630.111, 2630.112,-and-2630.114).~~

~~ii) All--profits--must--be--accounted--for--separately,-by contract,-program-year,--and--title,--at--the--service provider--level.---At--the--end--of--the-contract,-the program-income-must-be-returned-to-the-grantee.~~

~~iii) At-the-end-of-the-program-year,--contract--period,--or the-grantee's-established-close-out-date,-whichever-is appropriate,-a-"contract-close-out"-showing-the-amount of--program--income--earned-and-being-returned-must-be submitted--to---the---grantee---for---each---contract. Subsequently,--audited--financial--statements--must-be obtained--by--the--grantee--to---confirm---the---final expenditure--as--reported-on-the-closeout.--The-audits must--be--performed--in--accordance--with--"Government Auditing---Standards,---Standards---for----Audit----of Governmental--Organizations,-Programs,-Activities,-and Functions"--(1988--revision)---and---the---"Compliance Supplement--for--Single--Audits--of--State--and--local Governments"-(April-1985).~~

~~iv) At---the---service--provider--level,--fund--accounting practices-must-be-followed.--Costs-that--benefit--more than--one--contract-(cost-objective)-must-be-allocated between-the-benefitting--contracts--according--to--the provisions--of--this--Part.--All-costs-charged-against the--original--contract--or--the--expenditure--of--the profits-must-be-in-accordance-with-the--provisions--of the-Act,-this-Part,-and-applicable-policies.~~

~~v) The--grantee-must-implement-a-fund-accounting-tracking mechanism-for-the-program-income-revolving--fund--that will-identify-and-track-the-amount-of-profits-returned by-each-service-provider,-by-contract,-and-by-title.~~

~~vi) The--recaptured--profits-are-not-to-be-reported-to-the Department-as-program-income-on-the--grant--close-out. These--profits--do--not--become-part-of-the-JTPA-funds that-the-grantee-receives-from-the-Department-nor-will expenditures-be-reduced-by-the--amount--of--recaptured profits.---However,--these-funds-must-be-accounted-for at-the-grantee-and-service-provider--level.---Further, the-grantee-must-submit-a-report-on-the-expenditure-of profits--to-the-Department-each-year-by-September-30th~~

~~separate from the grant close-out.~~

~~vii) All such program income must be spent within 2 years of the program year in which it was earned. Funds not expended during this period must be returned to the Department. It is recommended that profits be expended on an accounting first in, first out basis.~~

~~viii) All non-expendable property procured with such program income will be JTPA property, to be tagged with Department tags, and property records must be maintained by the grantee.~~

~~ix) Interest earned on the program income fund may be retained by the grantee and used for corporate purposes.~~

~~x) All participants served with the expenditure of such program income must be tracked according to the MIS reporting requirements established by the Department.~~

~~C~~B) With regard to ~~profits~~ program income or losses at a particular non-profit ~~service provider~~ subgrantee:

i) Losses incurred on one contract may not be offset by ~~profits~~ program income ~~on~~ from another contract~~, within the same title, within the same program year, with approval from the grant recipient~~ regardless of title.

ii) ~~Losses~~ Program income or ~~profits~~ losses incurred on ~~a~~ any contract ~~under~~ in a particular ~~title~~ program year may not be offset by ~~profits~~ losses or ~~losses~~ program income ~~on~~ in a ~~contract under a~~ different ~~title~~ program year.

iii) ~~Losses~~ Program income or ~~profits~~ losses incurred ~~on any contract in a particular program year may not be offset by losses or profits in a different program year, except losses which are due to carry over participants~~ by a non-profit service provider may not be offset by losses or program income incurred by another service provider.

~~iv) Losses or profits incurred by a non-profit service provider may not be offset by losses or profits incurred by another service provider.~~

~~v) Profits earned by a non-profit service provider may be used for any JTPA authorized activity and is not restricted in its use to the same activity or contract which generated the profit. The SDA may put language into the contract document that gives service providers the authority to use the profit (earned on that contract) consistent with JTPA authorized activity, without the service provider and the SDA having to go through a formal contract modification process.~~

~~vi~~iv) Costs that are not entirely known at contract close-out, such as audit costs and legal costs, can be paid, as governed by existing ~~state~~ State policies ~~related to belated costs (see Section 2630.112(a)).~~

~~vii~~v) ~~Profits~~ Program income earned on all failed contracts must be returned to the ~~SDA~~ grantee.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

Section 2630.112 Standards for Selected Items of Cost

a) Purpose and applicability.

1) Objective. This Section provides standards for determining the allowability of selected items of cost.

2) Application. These standards will apply irrespective of whether a particular item of cost is treated as a direct or indirect cost. Failure to mention a particular item of cost in these standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided in this Section for similar or related items of cost. These standards shall be applied in accordance with generally accepted accounting principles as promulgated by the Fair Accounting Standards Board, compiled and published in the Miller Comprehensive GAAP Guide, 1988, published by Miller Accounting Publications, Inc., a subsidiary of Harcourt Brace Jovanovich, Publishers, with no later amendments or editions. Any costs which were eligible for payment during the grant period but not identified until after the grant period close-out has been finalized, shall be eligible for payment by a grantee against the subsequent or current grant period budget of the same JTPA program upon written approval by the Department. In no event shall belated costs be approved unless there was an unexpended budget balance, equal to or exceeding the belated cost amount, remaining with the grant period budget under which the costs were incurred. Costs shall be recorded against the appropriate cost category and line item established under the current year budget.

3) Prior approval. In instances where prior approval of costs is required, approval will be granted if the cost is necessary, reasonable, allowable, affordable and in accordance with generally accepted accounting principles.

b) Standards for selected items of cost.

1) Accounting. The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by service agencies which establish and maintain these systems. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriate and fund accounts by the Treasurer, Comptroller, or similar

officials, is allowable to the extent that the program receives coverage under such services.

2) Advertising. Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade paper, and the like. All such advertising costs disseminating program information are allowable.

3) Advisory Councils. Costs incurred by State and local advisory councils, boards, or committees expending effort on behalf of grant programs are allowable. Costs of like organizations are allowable when provided for in the State grants.

4) Audit services. The cost of audits necessary for the administration and management of functions related to grant programs is allowable. Costs of legislative branch audit and review activity of functions related to grant programs are allowable.

5) Automatic data processing. The cost of data processing services to grant programs is allowable. This cost includes lease of equipment or depreciation or use allowances on grantee-owned equipment. Prior approval for the lease, lease with option-to-purchase, or purchase of equipment is required and will be granted by the Department provided the cost is allowable in accordance with Section 2630.100(a).

6) Bad debts. Bad debts, including losses (whether actual or estimated) arising from accounts deemed uncollectible by the grantee and other claims (e.g., internal collection costs), related collection costs (e.g., collection agency costs), and related legal costs are unallowable.

7) Bid and proposal costs. These costs, also called preaward costs (as defined in subsection (b)(45)), are allowable only with prior approval of the Department.

8) Bonding costs.

A) Bonding costs arise when the Department requires assurance against financial loss to itself or others by reason of an act or default of the organization. Bonding costs arise also in instances where the organization requires similar assurance. Allowable bonding costs include such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

B) Costs of bonding required pursuant to the terms of a grant agreement are allowable.

C) Costs of bonding required by the organization in the general conduct of its operations are allowable if such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

9) Building lease management. Costs for lease management, review of lease proposals, and related activities are allowable.

10) Building space and related facilities. The cost of space in privately or publicly owned buildings used for the direct or indirect benefit of the grant program is allowable. The total

cost of space, whether in a privately or publicly owned building, may not exceed the rental cost or comparable space and facilities in a privately owned building. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy without authorization of the Department. Instances when costs for nonoccupied space will be authorized by the Department include, but are not limited to, renovation of a facility or flood damage to building space used for purposes under the grant.

A) Rental cost. The rental cost of space in a privately-owned building is allowable.

B) Maintenance and operation. The costs of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, not included in rental or other charges for space are allowable.

C) Rearrangements and alterations. Cost incurred for rearrangement and alteration of facilities or those that increase the value or useful life of the facilities are allowable when approved by the Department.

D) Subject to the limitations described in subsections (b)(10)(E) through (G), rental costs are allowable if the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

E) Rental costs under sale and leaseback arrangements are allowable only up to the amount that would have been allowed had the organization continued to own the property.

F) Rental costs under less-than-arms-length leases are allowable only up to the amount that would have been allowed had title to the property vested in the organization. For this purpose, a less-than-arms-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include, but are not limited to, those between divisions of an organization; between organizations under common control through common officers, directors, or members; and between an organization and a director, trustee, officer, or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

G) Rental costs under leases which create a material equity in the leased property are allowable only up to the amount that would be allowed had the organization purchased the property on the date the lease agreement was executed (e.g., depreciation or use allowances, maintenance, taxes, insurance but excluding interest expense and other

unallowable costs). For this purpose, a material equity in the property exists if the lease is noncancelable or is cancelable only upon the occurrence of some remote contingency and has one or more of the following characteristics:

i) The organization has the right to purchase the property for a price which, at the beginning of the lease, appears to be substantially less than the projected fair market value at the time it is permitted to purchase the property (commonly called a lease with a bargain purchase option);

ii) Title to the property passes to the organization at some time during or after the lease period;

iii) The term of the lease (initial term plus periods covered by bargain renewal options, if any) is equal to 75 per cent or more of the economic life of the leased property; i.e., the period of time the property is expected to be economically usable by one or more users.

11) Central Stores. The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

12) Chief executive expenses. The salaries and expenses of the Office of the Governor of the State of Illinois or the chief executive of a political subdivision are not allowable. In the case of a political subdivision, expenses that are incurred solely for (and are directly and clearly identifiable as benefitting) JTPA purposes are allowable.

13) Commencement and convocation costs. Costs incurred for commencements and convocations are allocable to training agreements and are allowable.

14) Communications. Communication costs incurred for telephone calls or service, telegraph, teletype service, WATTS, centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

15) Compensation for personal services.

A) Definition. Compensation for personal services includes all compensation paid currently or accrued by the organization for services of employees rendered during the period of the grant (except as otherwise provided in subsection (b)(15)(G)). It includes, but is not limited to, salaries, wages, director's and executive committee member's fees, incentive awards, fringe benefits, pension plan costs, allowances for off-site pay differentials.

B) Allowability. Except as otherwise specifically provided in this subsection the costs of such compensation are allowable if:

i) Total compensation to individual employees is reasonable (as defined in Section 2630.100 (c)(5)) for

the services rendered and conforms to the established policy of the organization consistently applied to both departmental and non-departmental activities; and

ii) Charges to grants, whether treated as direct or indirect costs, are determined and supported as required in this subsection.

C) Reasonableness.

i) When the organization's non-departmental activities constitute 50% or more of its total activities, compensation for employees on Department-sponsored work will be considered reasonable if it is consistent with that paid for similar work in the organization's other activities.

ii) When the organization's departmental activities constitute 50% or more of its total activities and in cases where the kind of employees required for the Government activities are not found in the organization's other activities, compensation for employees on Department-sponsored work will be considered reasonable if it is comparable to that paid for similar work in the labor markets in which the organization competes for the kind of employees involved.

D) Special considerations in determining allowability. Certain conditions require special consideration and possible limitations in determining costs under grants where amounts or types of compensation appear unreasonable. Among such conditions are the following:

i) Compensation to members of nonprofit organizations, trustees, directors, associates, officers, or the immediate families thereof. Determination shall be made by the Department when a questioned cost arises whether such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs.

ii) Any change in an organization's compensation policy resulting in a substantial increase in the organization's level of compensation, particularly when it is concurrent with an increase in the ratio of Department grants to other activities of the organization or any change in the treatment of allowability of specific types of compensation due to changes in Department policy.

E) Unallowable costs. Costs which are unallowable under other subsections shall not be allowable under subsection (b)(15) solely on the basis that they constitute personal compensation.

F) Fringe benefits.

i) Fringe benefits in the form of regular compensation

paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each activity, and are provided pursuant to a leave system.

ii) Payment of fringe benefits, in the form of employer contributions or expenses for social security, employee insurance, workers' compensation insurance, pension plan costs (see subsection (b)(15)(G)), and the like, are allowable, provided such benefits are granted in accordance with established, written organization policies. Such benefits, whether treated as indirect costs or as direct costs, shall be distributed to particular grants and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable to such grants and other activities.

iii) A self-insurance fund for unemployment compensation or workers' compensation is allowable to the extent that the fund represents reasonable estimates of the organization's liability for compensation that would have been allowable had insurance been purchased to cover the risks. However, provisions for self-insured liabilities which do not become payable for more than one year after the provision is made shall not exceed the present value of the liability. Where an organization follows a consistent policy of expensing actual payments to or on behalf of, employees or former employees for unemployment compensation or workmen's compensation, such payments are allowable in the year of payment with the prior approval of the Department provided they are allocated to all activities of the organization.

iv) Cost of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibility is allowable only to the extent that the insurance represents additional compensation. The cost of such insurance when the organization is named as beneficiary is unallowable.

G) Pension plan costs.

i) Costs of the organization's pension plan which are incurred in accordance with the established policies of the organization are allowable, provided: such policies meet the test of reasonableness; the methods of cost allocation are not discriminatory; the cost assigned to each fiscal year is determined in

accordance with generally accepted accounting principles; the costs assigned to a given fiscal year are funded for all plan participants within six months after the end of that year. However, increases to normal and past service pension costs caused by a delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable are unallowable.

ii) Pension plan termination insurance premiums paid pursuant to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001b et seq. (1990) with no later amendments or editions) are allowable. Late payment charges on such premiums are unallowable.

iii) Excise taxes on accumulated funding deficiencies and other penalties imposed under the Employee Retirement Income Security Act are unallowable.

H) Incentive compensation. Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc., are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the organization and the employees before the services are rendered, or pursuant to an established plan followed by the organization so consistently as to imply an agreement to make such payment.

I) Overtime, extra pay shift, and multishift premiums are allowable pursuant to the grantee's personnel policies.

J) Severance pay. See subsection (b)(57).

K) Training and education costs. See subsection (b)(61).

L) Support of salaries and wages.

i) Charges to grants for salaries and wages, whether treated as direct costs or indirect costs, shall be based on documented payrolls approved by a responsible official(s) of the organization. The allocation of expenses for salaries and wages to grants must be supported by time sheets, time and attendance records or personnel activity reports as prescribed in subsection (b)(15)(L)(ii), except when a substitute system has been approved in writing by the Department.

ii) Reports reflecting the distribution of activity of each employee must be maintained for all staff members (professionals and nonprofessionals) whose compensation is charged, in whole or in part, directly to grants. In addition, in order to support the allocation of indirect costs, such reports must also be maintained for other employees whose work involves two or more functions or activities if a distribution of their compensation between such functions or

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activities is needed in the determination of the organization's indirect cost rate(s) (e.g., an employee engaged part-time in indirect cost activities and part-time in a direct function). Reports maintained by nonprofit organizations to satisfy these requirements must meet the following standards: The reports must reflect an after-the-fact determination of the actual activity of each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to grants. Each report must account for the total activity for which employees are compensated and which is required in fulfillment of their obligations to the organization. The reports must be signed by the individual employee and by a responsible supervisory official having first-hand knowledge of the activities performed by the employee stating that the distribution of activity represents a reasonable estimate of the actual work performed by the employee during the periods covered by the reports. The reports must be prepared at least monthly and must coincide with one or more pay periods.

iii) Salaries and wages of employees used in meeting cost sharing or matching requirements on grants must be supported in the same manner as salaries and wages claimed for reimbursement from the Department.

16) Contingency provisions. Contributions to a contingency reserve or any similar provision made for events which cannot be foretold with certainty as to time, intensity, or with any assurance of their happening, are unallowable. The term "contingency reserve" excludes self-insurance reserves; pension funds; and reserves for normal severance pay.

17) Contributions. Contributions and donations by the organization to others are unallowable.

18) Depreciation and use allowances.

A) Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. A combination of the two methods may not be used in connection with a single class of fixed assets.

B) The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, or where a recoverable disparity between the actual cost and the current fair market value exists, the current fair market value may be used in this computation. Fair market value can be determined by the grantee if supported by solicited bids for existing similar items. The computation will exclude the costs or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government or

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State of Illinois through charges to grant programs or otherwise irrespective of where title was originally vested or where it presently resides. Additionally, the computation will also exclude the cost of land. Depreciation or a use allowance on facilities in a sustained idle or excess state is not allowable, except when specifically authorized by the Department.

C) Where the depreciation method is followed, authentic property records must be maintained, and any method of calculating depreciation accepted under the Generally Accepted Accounting Principles of the American Institute of Certified Public Accountants (1983) shall be used in compiling depreciation. The method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

D) In lieu of depreciation, a use allowance for buildings and capital improvements shall be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized or building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment. (Note: Rates specified are effective as of start of the grantee's next fiscal year.)

E) No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges (i.e., not exceeding six and two-thirds percent of acquisition cost for equipment and not exceeding two percent of cost for buildings) may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for its original purpose. (Note: Rates specified are effective as of the start of the grantee's next fiscal year.)

19) Disbursing services. The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records or accountability and reconciliation of such records with related cash accounts.

20) Donations

A) Services received.

i) Donated or volunteer services may be furnished to an organization by professional and technical personnel,

consultants, and other skilled and unskilled labor. The value of these services is not reimbursable either as a direct or indirect cost.

ii) The value of donated services utilized in the performance of a direct cost activity shall be considered in the determination of the organization's indirect cost rate(s) and, accordingly, shall be allocated a proportionate share of applicable indirect costs when the following circumstances exist: the aggregate value of the services is material; the services are supported by 15% or more of the indirect costs incurred by the organization; and the direct cost activity is not pursued primarily for the benefit of the grant.

iii) In those instances where there is no basis for determining the fair market value of the services rendered, the recipient and the Department shall negotiate an appropriate allocation of indirect cost to the services.

iv) Where donated services directly benefit a project supported by a grant agreement, the indirect costs allocated to manage the services will be considered as a part of the total costs of the project. Such indirect costs may be reimbursed under the grant agreement or used to meet cost sharing or matching requirements.

v) The value of the donated services may be used to meet cost sharing or matching requirements. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donations so that reimbursement will not be made.

vi) Fair market value of donated services shall be computed as follows: Rates for volunteers shall be consistent with those regular rates paid for similar work in other activities for the organization. In cases where the kinds of skills involved are not found in the other activities of the organization, the rates used shall be consistent with those paid for similar work in the labor market in which the organization competes for such skills. When an employer donates the services of an employee, those services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and indirect costs) provided the services are in the same skill for which the employee is normally paid. If the services are not in the same skill for which the employee is normally paid, fair market value shall be computed in accordance with this subsection.

B) Goods and space.

i) Expendable donated goods, that is, expendable personal property and/or supplies, and donated use of space may be furnished to an organization. The value of the goods and space is not reimbursable either as a direct or indirect cost. Personal property is property belonging to the organization.

ii) The value of the donations may be used to meet cost sharing or matching share requirements. The value of the donations shall be determined in accordance with subsection (b)(20)(A)(iii). Where donations are treated as indirect costs, indirect cost pools shall provide for separation of the value of the donations so reimbursement shall not be made.

21) Employee morale, health, and welfare costs. The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with local policy, are allowable. Income generated from any of these activities will be offset against expenses.

22) Entertainment costs. Costs of amusement, diversion, social activities, ceremonials, and costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities are unallowable.

23) Equipment and other capital expenditures.

A) As used in this subsection, the following terms have the meanings set forth below:

i) "Equipment" means an article of nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. An organization may use its own definition provided that it includes all nonexpendable tangible personal property as defined herein.

ii) "Acquisition cost" means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation, shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.

iii) "Special purpose equipment" means equipment which is usable only for research, medical, scientific, or technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

iv) "General purpose equipment" means equipment which is usable for other than research, medical, scientific, or technical activities, whether special modifications

are needed to make them suitable for a particular purpose. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

B) Allowability

i) Capital expenditures for general purpose equipment are unallowable as a direct cost except with the prior approval of the Department.

ii) Capital expenditures for special purpose equipment are unallowable as direct costs except with the prior approval of the Department.

C) Capital expenditures for land or buildings are unallowable as a direct cost except with the prior approval of the Department.

D) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior approval of the Department.

E) Equipment and other capital expenditures are unallowable as indirect costs. However, see subsection (b)(18) for allowability of use allowances or depreciation on buildings, capital improvements, and equipment. Also, see subsections (b)(10)(A) and (D) through (G) for allowability of rental costs for land, buildings, and equipment.

24) Exhibits. Cost of exhibits relating to grantee services are allowable to the extent that grant program information is incorporated.

25) Fines and penalties. Costs of fines and penalties resulting from violations of, or failure of the organization to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of a grant agreement or instructions in writing from the Department.

26) Idle facilities and idle capacity.

A) As used in this subsection the following terms have the meanings set forth below:

i) "Facilities" means land and buildings or any portion thereof, equipment individually or collectively or any other tangible capital asset, wherever located, and whether owned or leased by the organization.

ii) "Idle facilities" means completely unused facilities that are excess to the organization's current needs.

iii) "Idle capacity" means the unused capacity of partially used facilities. It is the difference between that capacity that could be utilized under 100 per cent operating time on a one-shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal

delays, and the extent to which the facility was actually used to meet demands during the accounting period. A multishift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

iv) "Costs of idle facilities or idle capacity" means costs such as maintenance repair, housing rent, and other related costs: e.g., property taxes, insurance, and depreciation or use allowances.

B) The costs of idle facilities are unallowable except to the extent that:

i) The facilities are necessary to meet fluctuations in workload; or

ii) Although not necessary to meet fluctuations in workload, the facilities were necessary when acquired and are now idle because of changes in program requirements, efforts to achieve more economical operations, reorganization, termination, or other causes which could not have been reasonably foreseen. Under the exception stated in this subsection, costs of idle facilities are allowable for a period of time, not to exceed two months, depending upon the documented initiative taken to use, lease or dispose of such facilities.

C) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuation of usage rates or indirect cost rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire facility or among a group of assets having substantially the same function may be idle facilities.

27) Independent research and development. Costs for independent research and development are allowable only with prior written approval of the Department.

28) Insurance and indemnification.

A) Insurance includes insurance which the organization is required by law to carry, or which is approved by the Department, under the terms of a grant and any other insurance which the organization maintains in connection with the general conduct of its operations. This subsection does not apply to insurance which represents fringe benefits for employees.

i) Costs of insurance required by law or approved by the Department, and maintained, pursuant to a grant are allowable.

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ii) Costs of other insurance maintained by the organization in connection with the general conduct of its operations are allowable subject to the following limitations: Types and extent of coverage shall be in accordance with sound business practice, and the rates and premiums shall be reasonable under the circumstances. Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of management fees. Costs of insurance or of any provisions for a reserve covering the risk of loss or damage to Department property are allowable to the extent that the organization is liable for such loss or damage. Provisions for a reserve under a self-insurance program are allowable to the extent that types of coverage, extent of coverage, rates and premiums would have been allowed had insurance been purchased to cover the risks. However, provision for known or reasonable estimated self-insured liabilities, which do not become payable for more than one year after the provision is made, shall not exceed the present value of the liability. Cost of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation (see subsection (b)(15)). The cost of such insurance when the organization is identified as the beneficiary is unallowable.

iii) Actual losses which could have been covered by insurance (through the purchase of insurance or a self-insurance program) are unallowable unless expressly provided for in a grant, except: costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice are allowable, and minor losses not covered by insurance, such as spoilage and breakage, which occur in the ordinary course of operations, are allowable.

B) Indemnification includes securing the organization against liabilities to third persons and any loss or damage not compensated by insurance or otherwise. The Department is obligated to indemnify the organization only to the extent expressly provided in a grant.

29) ~~Interest--and--other--financial--costs.--Interest--on--borrowings (however-represented),-bond--discounts,--cost--of--financing--and refinancing--operations,--and-legal-and-professional-fees-paid-in connection-therewith,-are-not--allowable.~~ Interest incurred on capital leases is allowable. A capital lease must meet at least one of the following criteria:

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1) The lease transfers ownership of the equipment at the end of the lease period.
2) The lease contains a bargain purchase option.
3) The lease term is equal to 75% or more of the estimated economic life of the leased equipment.
4) The present value of the payments at the beginning of the lease equals or exceeds 90% of the fair value of the leased property.

All other interest or financial costs are unallowable unless prior written approval is given by the Department.

30) Labor relations costs. Costs incurred in maintaining satisfactory relations between the institution and its employer, including costs of labor management committees, employees' publications, and other related activities, are allowable.

31) Legal expenses. The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer or staff of a State or local government, grantee, or subgrantee solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

32) Legislative expenses. Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisor, city councils, school boards, etc., whether incurred for purpose of legislation or executive direction, are not allowable.

33) Losses on other awards. Any excess of costs over income on any award is unallowable as a cost of any other award. This includes, but is not limited to, the organization's contributed portion by reason of cost sharing agreements or any underrecoveries through negotiation of lump sums for, or ceiling on, indirect costs.

34) Maintenance and Repair. Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

35) Management studies. The cost of management studies intended to improve the effectiveness and efficiency of grant management for ongoing programs is allowable. Cost of studies performed by agencies, committees, and other organizations other than the grantee department or outside consultations are allowable.

36) Materials and supplies. The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores of stockrooms should be charged at cost using any method of pricing accepted under the Generally Accepted Accounting Principles of the

American Institute of Certified Public Accountants (1983). Incoming transportation charges are a part of material cost.

37) Meetings, conferences.
   A) Costs associated with the conduct of meetings, and conferences, such as the cost of renting facilities, meals, speakers' fees, and related costs are allowable.
   B) To the extent these costs are identifiable with a particular cost objective, they should be charged to that objective. These costs are allowable provided they meet the general tests of allowability as provided in Section 2630.110.
   C) Costs of meetings and conferences held to conduct the general administration of the organization are allowable.

38) Memberships, subscriptions and professional activities. The cost of membership in civic, business, technical, professional, and similar organizations is allowable. The cost of books, and subscriptions to civic, business, technical, professional, and like organization periodicals is allowable. Costs of attendance at meetings and conferences are allowable.

39) Motor pools. The costs of a service organization which provides vehicles to user grantee agencies and/or provides vehicle maintenance, inspection and repair services are allowable.

40) On-the-job training. On-the-job training (OJT) costs include salaries, wages, fringe benefits, and related costs of individuals placed in OJT programs. JTPA reimbursement limitations for costs are specified in Section 141(g) of the Act. Both grantee and employer support of such individuals are allowable during the period of OJT status only. Once an individual leaves OJT status, related costs are unallowable, except where grantee follow-up costs are incurred.

41) Organization costs. Expenditures, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, whether or not employees of the organization, in connection with establishment or reorganization of an organization, are unallowable except with prior approval of the Department.

42) Payroll preparation. The cost of preparing payrolls and maintaining necessary related wage records is allowable.

43) Personnel administration. Costs for the recruitment examination, certification, classification, training, establishment of pay standards, and related activities for grant programs are allowable.

44) Plant security costs. Necessary expenses incurred to comply with Government security requirements or for facilities protection, including wages, uniforms and equipment or personnel are allowable.

45) Preaward costs. Preaward costs are those incurred prior to the effective date of a grant directly pursuant to the negotiation and in anticipation of the grant where such costs are necessary to comply with the proposed delivery schedule or period of

performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the effective date of a grant and only with the written approval of the Department.

46) Printing and reproduction. Costs for printing and reproduction services including, but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating wholly or in part to grant program accomplishments or results are allowable.

47) Procurement services. The cost of procurement services, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing, or displaying of goods, facilities and services for grant programs, is allowable.

48) Professional service costs.
   A) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill and who are not officers or employees of the organization, are allowable, subject to subsections (b)(48)(B), (C) and (D) when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Department.
   B) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors are relevant:
      i) The nature and scope of the service rendered in relation to the service required.
      ii) The necessity of contracting for the service, considering the organization's capability in the particular area.
      iii) The past pattern of such costs, particularly in the years prior to Department grants.
      iv) The impact of Department grants on the organization's business (i.e., what new problems have arisen).
      v) Whether the proportion of Department work to the organization's total business is such as to influence the organization in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Department grants and contracts.
      vi) Whether the service can be performed more economically by direct employment rather than contracting.
      vii) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-Department grants.
      viii) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation, and termination

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provisions).

C) In addition to the factors in subsection (b)(48)(B), retainer fees to be allowable must be supported by documented evidence of ~~bona--fide--services--available-or rendered~~ benefit to the grant to which the cost is charged. In the absence of such documentation, the payment of retainer fees shall be considered equivalent to payment to a contingency fund, which is unallowable. Additionally, the retainer fee paid must yield an equivalent benefit to the grant to which payment is charged.

D) Cost of legal, accounting, and consulting services, and related costs incurred in connection with defense of antitrust suits, and the prosecution of claims against the Department, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, organization and reorganization, are unallowable unless provided for in the grant agreement.

49) Profits and losses on disposition of depreciable property or other capital assets.

A) Gains and losses on sale, retirement, or other disposition of depreciable property shall be included in the year in which they occur as credits or charges to cost grouping(s) in which the depreciation applicable to such property was included. The amount of the gain or loss to be included as a credit or charge to the appropriate cost grouping(s) shall be the difference between the amount realized on the property and the undepreciated basis of the property.

B) Gains and losses on the disposition of depreciable property shall not be recognized as a separate credit or charge under the following conditions:

i) The gain or loss is processed through a depreciation reserve account and is reflected in the depreciation allowable under subsection (b)(18).

ii) The property is given in exchange as part of purchase price of a similar item and the gain or loss is taken into account in determining the depreciation cost basis of the new item.

iii) A loss results from the failure to maintain permissible insurance, except as otherwise provided in subsection (b)(28)(A)(iii).

iv) Compensation for the use of the property was provided through use allowances in lieu of depreciation in accordance with subsection (b)(18).

C) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions shall be considered on a case-by-case basis.

D) Gains or losses of any nature arising from the sale or exchange of property other than the property covered in

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subsection (b)(49)(A) shall be excluded in computing grant costs.

50) Program income. Program income constitutes revenue generated by the grantee agency as a direct result of grant program activities. Such income shall be either returned to the State or retained by the grantee to enable further program expenditures. The Department will instruct each grantee on which method shall apply either in the grant agreement or in subsequent amendments.

51) Proposal costs. Costs of preparing proposals on potential Federal and/or State grants are allowable.

52) Public information service costs. Public information service costs are allowable and include the cost associated with pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

A) inform or instruct individuals, groups, or the general public;

B) interest individuals or groups in participating in a service program of the organization;

C) disseminate the results of sponsored and nonsponsored activities.

53) Rearrangement and alteration costs. Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable with the prior approval of the Department.

54) Reconversion costs. Costs incurred in the restoration or rehabilitation of the organization's facilities to approximately the same condition existing immediately prior to commencement of Department grants, fair wear and tear excepted, are allowable, with the prior approval of the Department.

55) Recruiting costs. The following recruiting costs are allowable: cost of "help wanted" advertising, operating costs of an employment office, costs of operating an educational testing program, and travel expenses including food and lodging of employees while engaged in recruiting personnel.

56) Royalties and other costs for use of patents and copyrights.

A) Royalties on a patent or copyright or amortization of the cost of acquiring by purchase a copyright, patent, or rights thereto, necessary for the proper performance of the grant are allowable with prior approval of the Department unless:

i) The Department has a license or the right to free use of the patent or copyright.

ii) The patent or copyright has been adjudicated or administratively determined to be invalid.

iii) The patent or copyright is unenforceable.

iv) The patent or copyright is expired.

B) Special care shall be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's length bargaining; e.g.:

i) Royalties paid to persons, including corporations, affiliated with the organization.

ii) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government grant would be made.

iii) Royalties paid under an agreement entered into after a grant is made to an organization.

C) In any case involving a patent or copyright formerly owned by the organization, the amount of royalty allowed should not exceed the cost which would have been allowed had the organization retained title thereto.

57) Severance pay. Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by organizations to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that in each case, it is required by law, or by the organization's written internal policy as approved by its board of directors.

58) Specialized service facilities.

A) The costs of services provided by highly complex or specialized facilities operated by the organization, such as electronic computers, are allowable provided the charges for the services meet the conditions of either subsections (b)(58)(B) or (C) and, in addition, take into account any items of income or grant financing that qualify as credits.

B) The costs of such services, when material, must be charged directly to applicable grants based on actual usage of the services on the basis of a schedule of rates or established methodology that

i) does not discriminate against grant supported activities of the organization, including usage by the organization for internal purpose, and

ii) is designed to recover only the aggregate costs of the services. The costs of each service shall consist normally of both its direct costs and its allocable share of all indirect costs. However, advance agreements made by the organization with other funding sources are considered important in evaluating special situations.

C) Where the costs incurred for a service are not material, they may be allocated as indirect costs.

59) Taxes.

A) In general, taxes which the organization is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for

i) taxes from which exemptions are available to the organization directly or which are available to the

organization based on an exemption afforded the Government, and in the latter case, when the Department makes available the necessary exemption certificates,

ii) special assessments on land which represent capital improvements, or

iii) federal income taxes.

B) Any refund of taxes, and any payment to the organization of interest there on, which were allowed as grant costs, will be credited either as a cost reduction or cash refund, as appropriate, to the Department.

60) Termination costs. Termination of grants generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the grant not been terminated. All such costs, including any costs after termination, shall be negotiated with the Department on a case by case basis, using standards found in Section 2630.110.

61) Training and education costs.

A) Costs of preparation and maintenance of a program of instruction, including but not limited to on-the-job, classroom, and apprenticeship training designed to increase the vocational effectiveness of employees, including training materials, textbooks, salaries or wages of trainees (excluding any additional compensation, or any overtime compensation to trainees which arise therefrom), and

i) salaries of the director of training and staff when the training program is conducted by the organization; or

ii) tuition and fees, when the training is in an institution not operated by the organization, are allowable.

B) Costs of part-time education, at an undergraduate or postgraduate college level, including that provided at the organization's own facilities, are allowable only when the course or degree pursued is relative to the field in which the employee is now working and are limited to:

i) Training materials,

ii) Textbooks,

iii) Fees charged by the educational institution,

iv) Tuition charged by the educational institutional, or in lieu of tuition, instructor's salaries and the related share of indirect costs of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution,

v) Salaries and related costs of instructors who are employees of the organization, and

vi) Straight-time compensation of each employee for time spent attending classes during working hours not in

excess of 158 hours per year and only to the extent that circumstances do not permit the operation of classroom or attendance at classes after regular working hours.

C) Costs of attendance of up to 4 weeks per employee per year at a specialized program specifically designed to enhance the effectiveness of executives or managers or to prepare employees for such positions are allowable. Such costs include enrollment fees, training materials, textbooks and related charges, employees' salaries, and travel. Costs allowable under this subsection do not include those for courses that are part of a degree-oriented curriculum, which are allowable only to the extent set forth in subsection (b)(61)(B).

D) Maintenance expense, and normal depreciation or rental, on facilities owned or leased by the organization for training purposes are allowable to the extent set forth in subsections (b)(10) and (18).

E) Contributions or donations to educational or training institutions, including the donation of facilities or other properties, and scholarships or fellowships, are unallowable.

F) Training and education costs in excess of those otherwise allowable under subsections(b)(61)(B) and (C) shall be allowed if granted prior approval of the Department. To be considered for approval, the organization must demonstrate that such costs are consistently incurred pursuant to an established training and education program, and that the course or degree pursued is relative to the field in which the employee is now working.

62) Transportation. Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

63) Travel costs.

A) Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the organization. Travel costs are allowable subject to subsections (b)(63)(B) through (E), when they are directly attributable to specific work under an award or are incurred in the normal course of administration of the organization. Travel status is defined by the organization's own internal personnel policies.

B) Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used results in charges consistent with those normally allowed by the organization in its regular operations.

C) The difference in cost between first-class air

accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would

i) require circuitous routing,

ii) require travel between 7 PM and 6 AM or on weekends or holidays,

iii) greatly increase the duration of the flight (i.e., travel which exceeds normal travel time by three hours or longer),

iv) result in additional costs which would offset the transportation savings, or

v) offer accommodations which are contrary to those prescribed by the traveler's physician.

D) Necessary and reasonable costs of personnel movements of a special or mass nature are allowable, subject to allocation on the basis of work or time period benefited whichever is appropriate. Advance agreements made by the organization with other funding sources are considered important in evaluating special situations.

E) Direct ~~charges for~~ or indirect foreign travel costs are not allowable ~~only--when the travel has received prior approval of the--Department.--Each--separate--foreign--trip--must--be approved.--For purposes of this provision, foreign travel is defined as any travel outside of Canada, the--United--States and---its--territories--and--possessions.--However,--for--an organization located in foreign countries, the term "foreign travel" means travel outside that country.~~

64) Participant Supportive Services. Participant supportive services costs are considered allowable only if the costs are necessary to enable an individual (enrolled for training under the Act, but who cannot afford to pay for such services) to participate in a training program funded under the Act. Payments for participant medical examinations and inoculations, when required of all students entering a training program, are appropriately charged as a direct training service or retraining cost. These payments may be charged as a supportive service cost when provided to participants on an as needed basis. Supportive services payments shall be in accordance with Section 4(24) of the Act. Payments for supportive services to Title III participants under the Act are also subject to the provisions of Section 314(c)(15) of the Act. Participant supportive service costs, in the form of payments to participants, must be supported by documentation which verifies receipt of payments to the participant. For the participant to receive supportive services, documentation must confirm that the participant was engaged in an activity approved by the grantee, or was in an activity in compliance with a grantee policy defining excused absences, on the dates for which

supportive services were made. The need for supportive service payments shall be documented in the participant's Individual Service Strategy (ISS).

65) Needs-Based Payments. Needs-based payments are limited to payments necessary for an individual to participate in a JTPA program under sections 204(c)(3), 264(d)(4) and 314(e). All payments must be in accordance with a locally developed formula and procedures which are described in the SDA's approved two year plan. Needs-based payments must be supported by documentation which indicates the need for such payment, the amount, verification that the payment was received by the participant's, as well as documentation which indicates that the conditions for receiving the payments were met, as described in the participant's Individual Service Strategy (ISS). The basis for needs-based payments shall be documented in the participant's ISS, detailing the amount to be paid and the conditions under which payment is earned.

66) Incentive and Bonus Payments. Incentive and bonus payments to program participants are allowable only under Title II-C of the Act. Such payments must be paid in accordance with a locally developed policy, as described in the SDA's approved two year plan. Incentive and bonus payments must be supported by evidence that the participant met the established criteria to earn the payment, as well as verification that the payment was received by the participant.

67) Fund Raising. Fund raising is not an allowable JTPA cost without prior written approval of the Department. The written request must identify the purpose, anticipated cost, the party or parties involved in the fund raising and the type of fund raising being conducted. There must be a direct benefit to the JTPA program and the fund raising activities must be charged a fair share of indirect cost and other administrative cost.

68) Stand In Costs. Stand in costs are costs paid from non-Federal sources which a recipient proposes to substitute for Federal costs which have been disallowed as a result of an audit or other review. In order to be considered as valid substitutions, the cost must have been reported by the grantee as uncharged program costs under the same Title and in the same year in which the disallowed costs were incurred, and must have been incurred in compliance with laws, regulations, and contractual provisions governing JTPA.

69) Profits. Commercial organizations may be allowed an amount of profit equal to no more than 12% of the total contract amount under a non-commercially available training program. The justification of the actual amount of profit allowed in a particular contract must be determined and documented in accordance with provisions of paragraph 627.420(e)(3) of the JTPA federal regulations. The profit must be shown as a distinct reimbursement item on the contract budget. The total profit may

be awarded only after the contractor has met required program performance criteria designated in the contract in support of profit earnings. All costs charged to a contract must be allowable in accordance with the Job Training Partnership Act, the Federal and State regulations and any other contractual requirements of the awarding agency.

70) Employment Generating Activities. Employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities are all unallowable activities.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 17 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Commercial Fishing and Musseling in Certain Waters of the State

2) CODE CITATION: 17 Ill. Adm. Code 830

3) SECTION NUMBERS: ADOPTED ACTION:

830.20	Amendments
830.40	Amendments
830.60	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5) [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, 25-5].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 21 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 8, 1994, 18 Ill. Reg. 5372

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Table of Contents, 830.20, "seasons" was changed to "Seasons".

In Section 830.40(e)(1), "Section 830.40 (e)(3)" was changed to "subsection (e)(3) below".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? Yes

Section Numbers	Proposed Action	Illinois Register Citations
830.20	Amendments	18 Ill. Reg. 4671, 3/14/94
830.40	Amendments	18 Ill. Reg. 4671, 3/14/94
830.60	Amendments	18 Ill. Reg. 4671, 3/14/94

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments remove the Illinois River and its backwaters from the list of waters open to the commercial harvest of mussels.

The zebra mussel population exploded last summer in the Illinois River and native mussels are under severe stress because of this expansion. It is important to leave as many live, reproductive adults in the native mussel populations as possible. Zebra mussels have already proven to be deadly to native mussels in other locations. The Western Basin of Lake Erie historically contained 12 species of native mussels. Following zebra mussel invasion, all 12 species were extirpated. The U.S. Fish and Wildlife Service is estimating that 20 species of native mussels will become extinct due to zebra mussel infestation. In the Illinois River zebra mussels have already infested between 88% and 100% of the native mussels depending on location. Emergency closure is needed to protect those mussels able to withstand or avoid zebra mussel infestation.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 830
COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section
830.5 Definitions
830.10 Waters Open to Commercial Harvest of Fish
830.20 Waters Open to Commercial Harvest of Mussels and Seasons
830.30 Special Regulations
830.40 Devices
830.50 Permission
830.60 Species
830.70 Size Limit
830.80 Commercial Fishing and Musseling in Additional Waters
830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5) [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendment at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons

~~a)~~ Mississippi River and backwaters, April 15 to August 31 inclusive, except for the following areas:

~~1)~~a) All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.

~~2)~~b) All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).

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~~3)~~c) All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).

~~4)~~d) Pontoosuc Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.0 (Pontoosuc light and daymark) and RM 390.2 (Dallas City boat access area).

~~5)~~e) All of the area southward of the center of the navigation channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.

~~6)~~f) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).

~~7)~~g) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 246.8 (Turner Landing light and daymark).

~~b) Illinois River and backwaters, April 15 to August 31 inclusive.~~

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 830.40 Devices

a) Commercial fishing devices used in the aforementioned waters shall conform to all regulations as outlined in Article 15 of Chapter 56 of the Illinois Revised Statutes. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.

b) It shall be unlawful:
   1) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge and the Mississippi River.
   2) To use seines except in the Illinois, Mississippi and Wabash Rivers.

c) Musseling devices used in waters open to commercial musseling shall conform to all regulations as outlined below and in Articles 1 and 15 of Chapter 56 of the Illinois Revised Statutes. Handpicking ~~and~~, crowfoot bars and hand forks may be used in all waters listed in Section 830.20 above.

d) It shall be unlawful to use hand forks except in the ~~Illinois and Mississippi Rivers~~ Mississippi River.
   Hand fork - mussel harvesting device similar in appearance to a common cornfork and is utilized while wading.

e) It shall be unlawful to use basket dredges, mechanical devices and hand dredges in the taking of mussels.

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1) Basket dredge - mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in ~~Section~~ subsection ~~830.40~~ (e)(3) below.
2) Mechanical devices - refers to dredges and suction devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.
3) Hand dredge (hand rake, hand powered rake) - mussel harvesting device weighing less than 70 pounds consisting of a metal frame having course teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 830.60 Species

a) The following species of fish may be taken by licensed commercial fishermen:
   1) Carp
   2) Buffalo
   3) Freshwater drum
   4) Catfishes (includes bullheads)
   5) Paddlefish
   6) Carpsuckers
   7) Suckers
   8) Redhorses
   9) Goldeye and Mooneye
   10) Gar (except alligator gar)
   11) Bowfin
   12) American eel
   13) Shovelnose sturgeon
   14) Gizzard shad
   15) White amur (grass carp)
   16) Minnows
   17) Goldfish
   18) Bighead Carp and Silver Carp
b) The following species of mussels may be taken by licensed commercial musselers:
   1) Washboard (Megalonaias nervosa)
   2) Threeridge (Amblema plicata)
   3) Buckhorn or Pistol Grip (Tritogonia verrucosa); may not be taken from the Mississippi and Illinois Rivers
   4) Mapleleaf (Quadrula quadrula)
   5) Pimpleback (Quadrula pustulosa)

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   6) Monkeyface (Quadrula metanevra)
   7) Wartyback (Quadrula nodulata)
   8) Pigtoe (Fusconaia flava forma undata)
   9) Mucket (Actinonaias ligamentina); may not be taken from the Mississippi and Illinois Rivers
   ~~10) Ohio River Pigtoe (Pleurobema cordatum)~~
   ~~11)~~10) Hickory Nut (Obovaria olivaria)
   ~~12)~~11) Pink Heelsplitter (Potamilus alatus)
   ~~13)~~12) Wabash River Pig-toe (Fusconaia flava forma flava)
   ~~14)~~13) Pocketbook (Lampsilis ovata)
   ~~15)~~14) Black Sandshell (Ligumia recta)

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

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NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Consignment of Licenses and Stamps

2) CODE CITATION: 17 Ill. Adm. Code 2520

3)

SECTION NUMBERS:	ADOPTED ACTION:
2520.10	Amendments
2520.20	Amendments
2520.30	Amendments
2520.40	Amendments
2520.50	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish Code of 1971 Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.221-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120) [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120], and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a35) [20 ILCS 805/63a35].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 2 1 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3821

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Authority was changed to read:

> Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code (Ill. Rev. Stat.

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> 1991, ch. 56, pars. 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120) [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

In Section 2520.10(a), the statutory citation was changed to read "Ill. Rev. Stat. 1991, ch. 56, par. 20-120 [515 ILCS 5/20-120] and ch. 61, par. 3.37 [520 ILCS 5/3.37]

In Section 2520.20(b), "habitat" was changed to "Habitat".

In Section 2520.50(c)(2)(E), a semi colon was added at the end of the subsection.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Language in this Part was amended to apply to consignment of stamps as well as consignment of licenses.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520
CONSIGNMENT OF LICENSES AND STAMPS

Section
2520.10 Consignment Requirements
2520.20 Issuing Licenses and Stamps
2520.30 Terms
2520.40 Credit to Vendor Accounts
2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.9) [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code (Ill. Rev. Stat 1991, ch. 56, pars. 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120) [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120], and Section 63a35 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a35) [20 ILCS 805/63a35].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984, amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 2520.10 Consignment Requirements

a) The Department of Conservation (DOC) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DOC consigns hunting, fishing, trapping and Ginseng Harvester licenses, and migratory waterfowl, salmon and wildlife conservation stamps, hereinafter referred to as licenses and stamps, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this Part. The Department also consigns the licenses and stamps to other persons, hereinafter referred to as "direct agents", upon receipt of their completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set forth in this Part. The term "direct agent" means all persons authorized by the Department to sell licenses and stamps other than elected or appointed officials and department employees. License vendors, including employees of the Department selling

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licenses and stamps, shall collect an issuing fee in addition to the license and stamp fee as provided in Ill. Rev. Stat. ~~1989~~ 1991, ch. 56, par. ~~5/22~~ 20-120 [515 ILCS 5/20-120] and ch. 61, par. 3.37 [520 ILCS 5/3.37] as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses and stamps authorized by the above statutes. All licenses and stamps consigned and fees collected from the sale of licenses and stamps (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses and stamps (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses and stamps are liable to the State for all licenses and stamps consigned to their account, including any licenses and stamps furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in Section 2520.10 of the Part. DOC assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DOC with evidence of financial responsibility. Such evidence shall be in the form of a surety bond or certificate of deposit, in an amount equal to the value of licenses and stamps consigned. Surety bonds shall be on a form furnished by and approved by DOC, with surety or sureties satisfactory to DOC, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses and stamps. No direct agent may appoint sub agents.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 2520.20 Issuing Licenses and Stamps

a) License forms shall be filled out completely, accurately and legibly at the time of issuance, and the full amount shall be collected as shown on the license face. In the case of stamps, the license fee plus the authorized issuing fee shall be collected, if the issuing fee is not shown on the face of the stamp. Vendors shall not back-date or issue an undated license.

b) The application portion of each license shall be retained by the

issuing clerk or agent until the license issued expires, except in the case of ~~Non-Resident Reciprocal licenses,~~ Trapping licenses, Waterfowl stamps, Habitat stamps and Ginseng Harvester licenses, for which the completed application must accompany the remittance.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 2520.30 Terms

a) When funds received in payment for licenses and stamps are deposited in an interest bearing account and where fees collected by a vendor are determined to be late to the department according to the remittance schedule in Section 2520.30(c), interest that has accrued through an interest bearing license account on the overdue funds will be remitted to the Department by separate check along with fees collected from the sale of such licenses and stamps.

b) All license vendors shall be required to remit to the Department, according to the schedule in subsection (c) below, all funds received from the sale of licenses and stamps during the preceeding remittance period except the authorized issuing fee. Vendors having licenses and stamps on hand for sale, but who have sold none during the remittance period, shall report this fact to the Department according to the remittance schedule by the use of a "no sales" report, furnished by the Department ~~or some similar notice~~.

c) The remittance schedules are as follows:

1) Schedule I: For vendors having sold licenses and stamps with a value of $10,000 or more during a prior license year, remittance periods shall be from the 1st through the 15th of each month and the 16th through the last day of each month. Remittance shall be made to the Department no later than the 5th and 20th of each month, for all licenses and stamps sold during the previous remittance period.

2) Schedule II: For vendors having sold licenses and stamps of a value of $9,999.99 or less during the previous license year, the remittance period shall be each month. Remittance shall be made to the Department no later than the 10th of each month for all licenses and stamps sold during the previous month.

d) Accounts more than one remittance period past due shall have additional license consignments withheld until the account is current. Accounts two remittance periods or more past due will cause the Department to cancel or withdraw the issuance of licenses through such clerks or agents. In the case of secured agents, payment will be demanded from the security company. No installment payment agreements will be accepted by DOC except pursuant to judgment decrees.

e) Within 30 days after the expiration of the time in which any class of license or stamp is usable, the final payment for licenses and stamps sold shall be made in full to the Department, and all unsold or void licenses and stamps shall be returned to the Department. Accounts not

closed out within the 30 days specified shall be suspended or terminated, and referred to the agent's bonding company or for action or referral to other agencies for assistance.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 2520.40 Credit to Vendor Accounts

a) Void or unsold licenses and stamps shall be returned to the Department for credit to the vendor account. Credit for void or unsold licenses will be allowed only when the original license is returned. The application portion of the license and stamps will not be accepted for credit.

b) Credit to vendor accounts for void licenses and stamps shall be denied if the license or stamp shows signs of use, such as encasement in plastic or other signs of use. The license and permit supervisor is responsible for this determination, and if credit is denied, the Supervisor, License ~~& Regi Title~~ Section, shall cause the vendor to be notified of this action.

c) No person selling licenses and stamps is required to remit for any licenses or stamps stolen by forcible entry or destroyed by a fire in the premises where such licenses and stamps are kept, if he submits an affidavit to the Department describing the circumstances of such theft or cause of such destruction and listing the type and numbers of licenses so destroyed. An official report of the fire or theft completed by the appropriate agency (such as the fire department responding to the call or police if a robbery) must also be submitted.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

a) The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, commercial licenses and permits, trapping licenses and Illinois stamps. A fee of $3.00 per license or stamp will be charged to defray the cost of handling.

b) The Department will issue replacements at no cost when the Department loses the sportman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses or stamps.

c) The procedure for obtaining a replacement license or stamp is as follows:

1) Individual loss - The individual requesting the replacement should obtain from the vendor from which the original license or stamp was purchased, a copy (or the original) of the license or stamp application. If the application is unavailable, the individual may obtain an "Application for Replacement License"

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from any license vendor or the Department. An "Application for Replacement License" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "Application for Replacement License," should then be forwarded with the $3.00 fee per license or stamp to: Department of Conservation, Replacement License Section, 524 S. Second Street, Springfield, IL 62706. This section will then issue the replacement license and/or stamp(s).

2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to the Replacement License Section. The request should be completed in triplicate with one copy retained at the location and one copy given to the person who license and/or stamp(s) were lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:

A) date of the letter;

B) indication that the letter may be used by the person in lieu of a license for up to 30 days from the date on the letter;

C) Department location requesting the replacement (including address and contact phone number);

D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;

E) indication of what licenses and/or stamps need to be replaced;

F) the printed or typed names and signatures and the date of signature of the authorized persons at the Department location issuing the replacement letter and the location supervisor.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Crow, Woodcock, Snipe, Rail and Teal Hunting

2) CODE CITATION: 17 Ill. Adm. Code 740

3)

SECTION NUMBERS:	ADOPTED ACTION:
740.10	Amendments
740.20	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) EFFECTIVE DATE OF AMENDMENTS: JUN 21 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3906

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 740.10(f), "federal regulations" was changed to "Federal Regulations".

In Section 740.10(f)(2), "any state regulations made in" was deleted.

In Section 740.20(e), "rule" was changed to "Part".

In Section 740.20(e)(2), "rule" was changed to "Part".

In Section 740.20(e)(2), Anderson Lake, a comma was inserted following "closes".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments include deleting hunting dates and daily limits for woodcock, Snipe and rail and adding language indicating that these regulations are set in accordance with federal regulations; adding zinc-plated shot as a U.S. Fish and Wildlife Service approved shot; adding additional sites; updating site-specific information; and adding crow hunting regulations to the rule.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740
CROW, WOODCOCK, SNIPE, RAIL~~,~~ AND TEAL HUNTING

Section
740.10 Statewide Regulations
740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 740.10 Statewide Regulations

a) Woodcock, snipe, crow and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.

b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.

c) Woodcock

1) ~~Hunting dates:--October 1---December 4~~ Season dates, daily limits and possession limits are in accordance with federal regulations.

2) Hunting hours: Sunrise to Sunset

~~3) Daily limit:--5~~

~~4) Possession limit:--10 after the 1st hunting day~~

d) Snipe (Common)

DEPARTMENT OF CONSERVATION

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1) ~~Hunting dates:--September 4-----December--19~~ Season dates, bag limits and possession limits are in accordance with federal regulations.
2) Hunting hours: Sunrise to Sunset
~~3) Daily limit:--0~~
~~4) Possession limit:--16 after the 1st hunting day~~

e) Rail (Sora and Virginia)
1) ~~Hunting dates:--September 4-----November--12~~ Season dates, bag limits and possession limits are in accordance with federal regulations
2) Hunting hours: Sunrise to Sunset
~~3) Daily limit:--25~~
~~4) Possession limit:--25~~

f) Teal
1) Teal regulations are in accordance with ~~Federal--Regulations~~ federal regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.
2) ~~It--shall--be--unlawful--to--take,--possess,--transport,--or--use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the--Federal--"Migratory Bird Treaty Act"-(16-U.S.C.--703-711),-the-"Migratory Bird Hunting Stamp Act"-(16-U.S.C.--718-et-seq.);~~ It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to ~~any state regulations made in~~ the Wildlife Code.
3) Hunting hours are sunrise - sunset.
~~4) Baiting with corn, grain or other feed is prohibited.~~

g) Crow
1) Season dates: July 1 through the next following August 15, and from December 15 through the next following March 1.
2) Hunting hours are sunrise - sunset.

~~g)~~h) It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. ~~The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper plated or nickel plated steel shot for which the plating represents less than 1% of the shot's weight. Lead shot plated--with--cooper,--nickel,--or other material does not qualify.~~

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

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Section 740.20 Regulations at Various Department-Owned or -Managed Sites

a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before waterfowl season)

Big Bend Conservation Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimpoundment area)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park; must be returned by February 15; no hunting in dedicated Nature Preserve)

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to statewide closing)

Horseshoe Lake Public Hunting Area (Alexander County) - (closed on controlled goose hunting area)

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I-24 Wildlife Management Area

Iroquois County Conservation Area (closes at 4:00 p.m. the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend - Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Rabbit Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area ~~(no-permanent-blinds-allowed)~~

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes at 4:00 p.m. on day before site's pheasant season; 8:00 a.m. to 4:00 p.m.)

Newton Lake State Fish & Wildlife Area (hunting allowed in portions open to rabbit hunting only during period coinciding with rabbit season; 8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season)

Oakford Conservation Area

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Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area B)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Red Hills (statewide hours until rabbit season, then 8:00 a.m. - Statewide closing)

Rend Lake Project Lands and Waters

Rice Lake (during teal season only, hours are sunrise until noon; no woodcock hunting)

Saline County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Rabbit Hunting - which pertain to Sand Ridge State Forest; no rail hunting)

Sangamon County Conservation Area

Sangamois Conservation Area

Shawnee National Forest

Site M (~~open-only-as-publicly-announced-by-the-Department-in--the news--media;--no-rail-hunting~~ hunters must sign in and out at the check station; hunters are restricted to the non-fee portion of the site during pheasant season; parking is permitted in designated areas only)

Stephen Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

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Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; ~~parking card must be displayed on dashboard of vehicle;~~ permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney IL 62450).

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Unit only)

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Clinton Lake State Recreation Area

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Chain O'Lakes State Park (hunting is allowed only from numbered

DEPARTMENT OF CONSERVATION

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blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (in lands and waters of Peppenhorst Branch and Allen Branch north of the buoys only, and not within clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites, developed recreation areas, fisheries rearing ponds, roadways, and residences. No permanent blinds; minimum 12 decoys; minimum 200 yards between hunting parties)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

Horseshoe Lake State Park (Madison County)

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds)

Lake Shelbyville Fish and Wildlife Area

Lake Sinnissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Fish & Wildlife Area (Mississippi River Pools 25 and 26 and Illinois River from the Mississippi River confluence to Kampsville)

Mississippi River Pools 16, 17, 18, 21, 22, 24~~, 25, 26~~

Oakford Conservation Area (portable blinds only; 200 yard minimum distance must be maintained between hunting parties)

Pike County Conservation Area

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Rend Lake Project Lands and Waters (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest (no permanent blinds allowed)

Snake Den Hollow

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; ~~parking card must be displayed on dashboard of vehicle;~~ permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney IL 62450)

Turkey Bluffs Fish and Wildlife Area (no permanent blinds allowed)

Union County Conservation Area (public goose hunting area only)

Woodford County Conservation Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Pike County Conservation Area

Pike County Conservation Area (July 1 through August 15)

Sanganois State Wildlife Area (July 1 through August 15; day after waterfowl season closes through March 1; non-toxic shot only)

Sunspot Mine (Fulton and Schuyler Counties)

2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area (after waterfowl season closes, but not before December 15, through March 1)

Big Bend Conservation Area (December 15 through March 1)

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Big River State Forest (December 15 through March 1)

Lee County State Wildlife Area (Green River Conservation Area) (January 1 through March 1)

Trail of Tears (December 15 through March 1)

3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Dove Hunting

2) CODE CITATION: 17 Ill. Adm. Code 730

3) SECTION NUMBERS: ADOPTED ACTION:

730.20	Amendments
730.30	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 21 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3830

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 730.20(c), Chain O'Lakes, the semi-colon following "September 1-11" was removed and the comma following "only" was changed to a semi-colon.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments include changing hunting hours at sites; opening two new sites, closing one site; changing season dates; changing language regarding use of steel shot; changing language regarding open day of youth hunt; adding language defining where non-toxic shot must be used at 10 Mile Creek; deleting the requirement

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NOTICE OF ADOPTED AMENDMENTS

for display of parking card at 10 Mile Creek.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section
730.10 Statewide Regulations
730.20 Regulations at Various Department-Owned or -Managed Sites
730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

1) Hunters shall ~~use~~ possess only ~~steel~~ non-toxic shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

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Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville Wildlife Management Area (waterfowl management units only)

Rend Lake Project Lands and Waters

Sanganois Conservation Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as refuge on the Eads and Belle Rive Units (Units I & II))

Union County Conservation Area

Wayne Fitzgerrell State Recreation Area

2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

c) Statewide season regulations as provided for in this rule shall apply at the following areas except that hunting hours at all state sites open at 12:00 Noon daily unless otherwise indicated (exceptions are in parentheses):

Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Banner Marsh State Fish and Wildlife Area (sunrise opening; season dates are September 1 - 30; 12:00 Noon closing September 1 through Labor day)

Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Big River State Forest (5:00 p.m. September 1 through Labor Day)

Cache River State Natural Area (sunrise opening)

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Campbell Pond Wildlife Management Area (5:00 p.m. closing September 1-5; sunrise to sunset thereafter)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (Season dates are September ~~1,-2, 3,-4,-5,-6,-9,-10,-11,-12,-only,~~ 1 - 11 only; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Chauncey Marsh (sunrise opening; permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by 15 February)

Clinton Lake State Park (No hunting within 100 yards of dove management units; in dove management units, hunting hours end at 5:00 p.m. daily September 1-5 and daily quotas are filled by daily drawings)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - Labor Day; sunrise to sunset thereafter)

Des Plaines Conservation Area (Season dates are Saturdays and Sundays during the month of September following the close of the permit dove season; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Dog Island Wildlife Management Area (sunrise opening)

Eldon Hazlet State Park (~~North of Allen Branch and West of Peppenhorst Branch~~ designated areas only; 5:00 p.m. closing September 1 - 14; sunrise to sunset thereafter)

Ferne Clyffe State Park (sunrise opening)

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Ft. de Chartres State Historic Site (hunting with muzzle-loading shotgun only; sunrise opening)

Ft. Massac State Park (sunrise opening)

Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Giant City State Park (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Green River State Wildlife Area (Lee County Conservation Area) (Season dates are September 6 - 30 only; sunrise to sunset)

Hamilton County Conservation Area (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Heidecke Lake State Fish and Wildlife Area (Season dates are September 1 - 5, 5:00 p.m. closing; September 6 - 15 sunset closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (Season dates are September 1 - 5, 5:00 p.m. closing, and on Saturdays, Sundays and Wednesdays from September 6 - 30)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Horseshoe Lake Conservation Area - Alexander County (season dates are September 1 through October 15, 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Horseshoe Lake State Park - Madison County (Season dates are September 1 - 30, 5:00 p.m. closing~~, sunset closing thereafter~~)

I-24 Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5 p.m. closing)

Iroquois County Conservation Area (5:00 p.m. closing

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September 1 - 5; daily quota filled by drawing, DOC back patch required; after September 5, sunset closing; hunting permitted only in designated areas; all hunting must be done within 10 feet of DOC marked sites)

Johnson Sauk Trail State Park (Season dates are September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (Season dates are September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (Season dates are September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first week of season then everyday thereafter; 5:00 p.m. closing September 1 - 7; statewide closing thereafter)

Kickapoo State Park (Hunters must check in and check out)

Kidd Lake State Natural Area (sunrise to sunset)

Kinkaid Lake Fish and Wildlife Area (sunrise opening)

Lake Le-Aqua-Na State Park (Season dates are September 1 - 15; except September 1 through Labor Day, 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; hunting hours are 12 noon to sunset on the rest of the site except no hunting within 300 yards of dove management areas)

Mackinaw River State Fish and Wildlife Area (season dates are September 6 - 30; 5 p.m. closing)

Marseilles Fish and Wildlife Area (Season dates are September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; thereafter open Monday through Thursday only and statewide hours apply)

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Marshall State Fish and Wildlife Area

Matthiessen State Park (Season dates are September 1 - 15 only on opening day, holidays, Wednesdays, Saturdays and Sundays; except closed the Saturday and Sunday of Labor Day weekend)

Mazonia State Fish and Wildlife Area (Season dates are September 1 - two weeks before duck season, hunters must check in and check out)

Mermet Lake Conservation Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5:00 p.m. closing; daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (Hunting permitted in sunflower fields only September 1 - 15; 5:00 p.m. closing September 1 - 7, quota filled by daily drawing; sunset closing September 8 - 15; after September 15 hunting hours are 12 noon to sunset on entire site except that in sunflower fields, hunters must maintain a minimum of 20 yard spacing and hunt from field edges at all times)

Mississippi River Pools 16, 17, 18, 21, 22, 24 (sunrise opening)

Mississippi River Pools 25, 26 (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun Point, 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)~~.~~

Moraine View State Park (5:00 p.m. closing September 1 - 7; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison Rockwood State Park (season dates are September 1 - 5; 5:00 p.m. closing September 1 through Labor Day)

Mt. Vernon Game Farm (Season dates are September 1 - 30 Wednesdays, Saturdays and Sundays only; 5:00 p.m. closing; hunter quota posted at headquarters; first-come basis; hunters must hunt within ten feet of stakes; no gun may be carried into dove field beyond hunting line)

Oakford Conservation Area (sunrise opening)

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Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. through Labor Day; hunting by staked sites only)

Pyramid State Park (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Railsplitter State Park (Season dates are September 6 - 30; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing September 1 - ~~30~~ 10)

Randolph County Conservation Area (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Red Hills State Park (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Rend Lake Project Lands and Waters (sunrise opening)

Saline County Conservation Area (5:00 p.m. closing September 1 - 15; sunrise to sunset thereafter)

Sam Dale Lake Conservation Area (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; sunrise to sunset thereafter)

Sand Ridge State Forest (~~Season--dates-are-September-6--October-30;~~ sunrise opening; hunters must sign out at check station)

Sangamon County Conservation Area (sunrise opening)

Sanganois Conservation Area (5:00 p.m. closing September 1 - 5; hunter quota to be filled on a first-come basis)

Sangchris Lake State Park (Season dates are September 6 - 30; hunters must hunt from within 10 feet of a DOC marked stake)

Shabbona State Park (5:00 p.m. closing until Labor Day weekend; season dates are September 1 - 15; closed Saturday and Sunday of Labor Day weekend)

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~~Shawnee-National-Forest-(sunrise-opening)~~

Siloam Springs State Park (5:00 p.m. closing; hunting by staked hunting sites only)

Silver Springs State Park (Season dates are September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Site M (season dates are September 6 - the next following October 30; hunter quotas in managed dove fields will be filled on a first come basis; hunters in managed dove fields must hunt from within 10 feet of a DOC marked stake or flag; all hunters must obtain a windshield permit which will permit them to hunt doves at Site M during the 1994 season)

Snake Den Hollow State Fish and Wildlife Area (5:00 p.m. closing through Labor Day; sunrise to sunset after Labor Day; season dates are September 1-30)

Stephen A. Forbes State Park (5:00 p.m. closing September 1 - 30)

Sunspot Mine (Fulton and Schuyler Counties) (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (sunrise opening; permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; ~~parking--card--must--be--displayed--on-dashboard-of-vehicle;~~ permit must be returned by February 15 to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest (sunrise opening)

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Union County Conservation Area (season dates are September 1 - October 15; 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

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Washington County Conservation Area (sunrise to sunset after September 5)

Wayne Fitzgerrell State Recreation Area (closed September 1 - Labor Day; 5:00 p.m. closing September 7 - 12; sunrise to sunset thereafter)

Weinberg-King State Park (5:00 p.m. closing through September 14; sunset closing thereafter)

Wildcat Hollow State Forest

~~Witkowsky State Wildlife Area~~

d) Statewide regulations as provided in this Part apply at the following sites except that hunting hours at all state sites open at 12:00 Noon daily unless otherwise indicated (exceptions noted in parentheses). In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (Season dates are September 15 - October 30)

Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m. (exceptions in parenthesis):

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line)

Mackinaw River State Fish and Wildlife Area

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Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; no shooting except in direction of assigned fields)

~~Sand Ridge State Forest~~

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; no gun may be carried onto dove field beyond shooting line; hunters must hunt from within 10 feet of a DOC marked stake or flag)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Site M (hunters must hunt assigned fields only; hunters will be assigned fields on a first-come, first-served basis at check-in time; no gun may be carried into dove field beyond shooting line; hunters must hunt from within 10 feet of a DOC marked stake or flag)

2) Permit Applications
Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.

4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

5) All hunters must wear a back patch.

6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

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a) A one-day Youth Dove Hunt will be held ~~on~~ the first Saturday in September ~~4~~ at the following sites:

Horseshoe Lake State Park

Kankakee River State Park

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

b) A one-day youth/adult dove hunt will be held ~~on~~ the first Saturday in September ~~4~~7 where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.

d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.

g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

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i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

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1) HEADING OF THE PART: Duck, Goose and Coot Hunting

2) CODE CITATION: 17 Ill. Adm. Code 590

3)

SECTION NUMBERS:	ADOPTED ACTION:
590.10	Amendments
590.20	Amendments
590.25	Amendments
590.26	Amendments
590.30	Amendments
590.40	Amendments
590.50	Amendments
590.60	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) EFFECTIVE DATE OF AMENDMENTS: JUN 2 1 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 1, 1994, 18 Ill. Reg. 5065

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 590.30(h), "state managed sites" was changed to read "State managed sites".

In Section 590.40(a), "Rice Lake Conservation Area" was put in proper alphabetical order.

In Section 590.50(h)(3), "first-serve" was changed to "first-served".

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In Section 590.60(b)(4)(J), ". . . site)." was changed to read ". . . site.)"

In Section 590.60(b)(13)(H), "boat blind" was changed to "boat blinds".

In Section 590.60(b)(14)(A), "youth goose hunt" was changed to read "Youth Goose Hunt".

In Section 590.60(b)(18)(F)(ii), "administrative rule" was changed to "17 Ill. Adm. Code 670".

In Section 690.60(b)(19)(A), (B) and (C) were placed at the third level of indention.

In Section 590.60(b)(36)(A), "permit" was changed to "permits" and the comma following "Olney" was removed.

In Section 590.60(b)(36)(A), "REFUGE" was changed to "Refuge" in two places.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part are being made to clarify language and define management units; add language to specify youth hunt dates; establish a waterfowl hunting program for Joliet Depot; open Heidecke Lake to early goose season; change shooting hours at Union County Pheasant Hunting Area to 1/2 hour before sunrise; and move the permit duck hunting program from Rice Lake to Banner Marsh.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1797

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 590
DUCK, GOOSE AND COOT HUNTING

Section
590.10 Statewide Regulations
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25 Illinois Youth Goose Hunting Permit Requirements
590.26 Illinois Youth Duck Hunting Permit Requirements
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and-Managed Sites
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
590.70 Ohio River
EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33. 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendments at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency

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expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendments at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendments at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg.12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par 2.18) [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.)*, and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.

b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.

c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.

d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. ~~The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper plated, nickel plated or zinc plated steel shot for which the plating represents less than 1% the shot's weight. Bead shot plated with copper, nickel, or other material does not qualify.~~

e) Emergency Closure
The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

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f) Closed Areas and Refuges
   1) Ducks - Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.
   2) Geese and Refuges
      A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.
      B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:
         i) Horseshoe Lake Conservation Area - Alexander County (the refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch) (in the refuge no motors except trolling motors will be allowed from October 15 to March 1)
         ii) LaSalle Lake Fish and Wildlife Area (closed to boats October 1 to March 31)
         ~~ii)~~iii) Mazonia-Braidwood State Fish and Wildlife Area
         ~~iii)~~iv) Rend Lake and Rend Lake Wildlife Management Area
         ~~iv)~~v) Snake Den Hollow Fish and Wildlife Area (all use other than waterfowl hunting is prohibited from October 1 through the close of the Fulton-Knox County goose season)
         ~~v)~~vi) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)
         ~~vi)~~vii) Melvin Price Lock and Dam Pool 26 (the posted area immediately south of Melvin Price Lock and Dam 26 on the Mississippi River, and including that portion of Maple Island, that is presently owned by the State of Illinois has been designated a waterfowl refuge. Discharge of firearms, hunting and off road vehicles are prohibited at all times. All boating is prohibited on waters of the refuge where posted from October 15 through April 15)

g) Commercial Migratory Waterfowl Hunting Area Permits
   1) ~~The holder of a permit shall forward within 30 days after the close of the season or at an earlier time as requested by the Department, a report upon forms furnished by the Department providing information on the hunting season.~~ The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
   2) Subsection (g) shall be in accordance with Section 3.7 of the Wildlife Code [520 ILCS 5/3.7].
   3) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.

h) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

~~i) When public duck blinds on State managed sites are flooded to the point that they are no longer usable, but the water level is not too high or rough to be a threat to public safety, the Department, by public announcement and posting, may permit waterfowl hunting anywhere on the area except in designated refuge areas. Any permits issued for the blinds are no longer valid and no fee to hunt the area will be charged.~~

~~j)~~i) Waterfowl Hunting Zones:
   1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
   2) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
   3) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
   4) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
   5) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
   6) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
   7) Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).

~~k)~~j) No person during the open season shall take or attempt to take wild

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geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season, hunting hours shall close at sunset daily.

~~l)~~k) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.

~~m)~~l) Persons in possession of geese in excess of twice the daily bag limit, when such geese were taken within the quota zones, shall tag each individual goose. The tag must contain the hunter's signature and address and the date of kill and the location of the kill.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area
~~Rice-Lake Conservation Area~~
Snake Den Hollow State Fish and Wildlife Area
Union County Conservation Area

b) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.

2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].

3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner (two hunters per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or two hunting partners (three hunters per blind) for ~~Rice-Lake~~ Banner Marsh. Unfilled blinds shall be filled by a drawing at the sites.

4) Permit Transferability

A) Permits are not transferable.

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B) For other information write to:
Illinois Department of Conservation
Permit Office - Waterfowl
524 S. Second Street, Room 210
P.O. Box 19457
Springfield, Il 62794-9457

5) Permits for waterfowl hunting will be issued from the Springfield Permit Office for Snake Den Hollow State Fish and Wildlife Area, Union County Conservation Area and ~~Rice-Lake~~ Banner Marsh.

c) General waterfowl hunting regulations for Snake Den Hollow State Fish and Wildlife Area, Union County Conservation Area and ~~Rice-Lake~~ Banner Marsh areas

1) Subsection (c) of this Section shall be in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Section are more restrictive.

2) Season dates, bag limits and methods of taking geese are set by the U. S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

3) Hours, Permits and Stamp Charges

A) Hunting hours are from legal opening time until 12:00 Noon ~~at Rice-Lake and Snake Den Hollow State Fish and Wildlife Area. Hunting hours at Union County Conservation Area are from sunrise until 12:00 Noon~~.

B) ~~From~~ At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of goose seasons, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 am. Permits are void after 5:30 a.m. At Union County Conservation Area and Banner Marsh hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Union County Conservation Area, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), shall have priority to be reassigned to the better blinds as they become available.

C) A $15.00 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area. A $10.00 Daily Usage Stamp must be purchased at ~~Rice-Lake~~ Banner Marsh.

4) When daily quotas are not filled, permits shall be issued to standby hunters by a drawing held at the check station.

5) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's

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Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

6) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

7) Baiting with corn, grains or other feed is not allowed.

8) Guns must be unloaded and encased at all times when not hunting.

9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

d) Special Canada geese hunting regulations for Union County Conservation Area.

1) The legal hunting season is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and ~~28~~ the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on ~~December 28~~ the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

2) Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

3) Hunters cannot leave their blinds and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.

4) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

5) Hunters shall use only decoys provided by the Department. The use or possession of any other decoys is illegal.

6) Hunters must pick up decoys and place them next to the blind prior to checking out.

e) Special duck regulations for ~~Rice Lake~~ Banner Marsh.

1) The legal hunting season is the dates of the central zone duck hunting season.

2) All hunting parties (each blind) are required to use a minimum of 12 duck decoys.

3) Hunters can bring a private boat ~~or can rent a boat at the area. The maximum motor size limit for private boats is unrestricted and for rental boats is 10 h.p. while hunting. Boats shall be provided with blinds on Big Lake and no motors shall be allowed.~~

4) Hunters must be at least 16 years of age to draw for a blind at ~~the Rice Lake area~~ Banner Marsh.

5) ~~Rice Lake will be closed to hunting when the lake is frozen. over~~ Goose hunting will be prohibited after the duck season.

f) Special Canada goose hunting regulations for Snake Den Hollow.

1) The legal hunting season is the dates of the Fulton-Knox County goose hunting zone.

2) Hunters must not possess more than 5 shells for each Canada goose allowed in the daily bag.

3) Hunters must not enter the refuge in [illegible] of crippled geese.

4) Hunters must be at least 16 years [illegible] to draw for a blind.

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5) Closed on Tuesdays, Wednesdays and December 24, 25 and 26.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 590.25 Illinois Youth Goose Hunting Permit Requirements

a) State sites covered in this Section, which allow hunting by permit only, are:

Horseshoe Lake Conservation Area (Alexander County)
Union County Conservation Area

b) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15.

2) Only one permit per person shall be issued for the hunt on ~~December 28, 1993~~ the first weekday after December 26 other than a Monday.

3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.

4) Permit reservations and transferability.

A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

B) For other information write to:

Illinois Department of Conservation
Youth Goose Hunt
524 S. Second Street, Room 210
P.O. Box 19457
Springfield, IL 62794-9457

5) Permits for the Illinois Youth Goose Hunt shall be issued from the Springfield Permit Office.

c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County) and Union County.

1) Subsection (c) shall be in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Section are more restrictive.

2) Season dates, bag limits and methods of taking geese are set by the U.S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

3) Hours, Permits and Stamp Charges

A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 noon on ~~December 28, 1993~~ the day of the Youth Goose Hunt.

B) Hunters with Illinois Youth Goose Hunt permit reservations are required to check in at the check station between 5:[illegible] a.m. and 5:30 a.m. Permits are void after 5:30 a.m.

drawing shall be held to allocate blind sites.

C) There is no fee for the Illinois Youth Goose Hunting Permit.

4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

5) Hunting must be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

6) Baiting with corn, grains or other feed is not allowed.

7) Hunters must have a 20 gauge or larger shotgun and provide their own ammunition.

8) Guns must be unloaded and encased at all times when not hunting.

9) Disturbing or molesting waterfowl, fishing or trespassing within the posted area of any hunting ground is prohibited.

d) Special Canada geese Illinois Youth Goose Hunt hunting regulations for Horseshoe Lake (Alexander County) and Union County:

1) The legal hunting season is ~~December 28, 1993~~ the first weekday after December 26 other than a Monday.

2) Each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag.

3) Hunters cannot leave their blind and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.

4) Each youth and supervising adult may be accompanied by a guide.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 590.26 Illinois Youth Duck Hunting Permit Requirements

a) State sites covered in this Section, which allow hunting by permit only, are:

Donnelley State Wildlife Area

b) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10 - 15.

2) Only one permit per person shall be issued for the hunt on ~~November 14, 1993~~ the third Sunday of the central zone duck season.

3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.

4) Permit reservations and transferability.

A) All duplicate permit reservations shall be rejected and the

hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

B) For other information write to:

Illinois Department of Conservation
Youth Duck Hunt
524 S. Second Street, Room 210
P.O. Box 19457
Springfield IL 62794-9457

5) Permits for the Illinois Youth Duck Hunt will be issued from the Springfield Permit Office.

c) General waterfowl hunting regulations for Donnelley State Wildlife Area.

1) Subsection (c) shall be in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Section are more restrictive.

2) Season dates, bag limits and methods of taking ducks are set by the U.S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

3) Hours, Permits and Stamp Charges

A) Hunting hours at Donnelley State Wildlife Area are from sunrise until 12:00 noon on November 14, 1993.

B) Hunters with Illinois Youth Duck Hunt permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held to allocate blind sites.

C) There is no fee for the Illinois Youth Duck Hunting Permit.

4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

5) Hunting must be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

6) Baiting with corn, grains or other feed is not allowed.

7) Hunters must have a 20 gauge or larger shotgun and provide their own ammunition.

8) Guns must be unloaded and encased at all times when not hunting.

9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

10) The legal hunting season is ~~November 14, 1993~~ the third Sunday of the central zone duck season.

11) Each youth and supervising adult may be accompanied by a guide.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

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Section 590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and-Managed Sites

a) The regulations in this Section apply to all sites listed in Sections 590.40, 590.50 and 590.60, unless otherwise stated in those Sections.
b) The regulations in these Sections are in accordance with Federal Regulations (50 CFR 20) unless the regulations in these Sections are more restrictive.
c) All the regulations in 17 Ill. Adm. Code 510 apply in these Sections, unless these Sections are more restrictive.
d) Definitions
   1) Blind site - A position within 10 feet of numbered site where blind must be constructed. Sites shall be located and marked by the Department of Conservation.
   2) Blind builder - Person who has been assigned a blind site as a result of the drawing.
   3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its hunting privileges.
   4) Drawing - Procedure by which blind sites are assigned.
   5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
   6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.
   7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.
e) Blind Construction
   1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
   2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
   3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of waterfowl season, except for those areas listed in Section 590.60(b)(12) and Section 590.60(b)(16), after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

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   4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.
   5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned by August 31. Failure to do so shall result in forfeiture of blind.
   6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.
   7) Boat hides are required, except as noted in Sections 590.40, 590.50 and 590.60, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of waterfowl season; failure to meet these standards shall result in forfeiture of blind site.
f) Use of blinds
   1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
   2) No person shall hunt, or attempt to hunt, except from within a registered blind.
   3) Persons under 16 years of age shall not hunt, or attempt to hunt unless accompanied by an adult due to safety factors.
   4) Blinds shall not be locked.
   5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied is unlawful.
   6) No person shall fish within 250 yards of an occupied blind within the hunting area.
   7) All hunting parties shall hunt over a spread of at least 12 decoys. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container. Decoys must be removed at the end of the day's hunt or left overnight, as determined by the site manager.
g) Public Drawing
   1) Time and place for all sites holding drawings shall be publicly

announced by the Department of Conservation.

2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Person exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of duck blind sites.

h) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl hunting blinds cannot be constructed or are no longer useable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.

2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in subsection 590.40(c)(1), (2), (3), (4) and subsection (d) shall not be in force. Rules concerning blind claiming as listed in subsection 590.50(b) shall apply.

3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, in non-refuge, closed or otherwise restricted areas. All hunting parties must remain 200 yards apart and follow normal closing hours for the site. Pre-placement of unattended decoys and/or unoccupied blinds or boat hides does not constitute lawful possession of a hunting site.

4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 2 1 1994)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) Sites covered in this Section are:

Anderson Lake Conservation Area
Batchtown (Federal Lands)
Calhoun Point (Federal Lands)
Glades (Federal Lands)
Godar-Diamond (Federal Lands)
Horseshoe Lake State Park - Madison County
Lake DePue State Fish and Wildlife Area
Marshall County Conservation Area
Mazonia State Fish and Wildlife Area
Rice Lake Conservation Area
Sanganois Conservation Area
Spring Lake Conservation Area
Stump Lake (Federal Lands)
Woodford County Conservation Area

b) The sites listed above in Section 590.40(a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in parentheses and in the remainder of this Section.

1) Anderson Lake Conservation Area - All Management Units (legal opening - noon)
2) Batchtown (legal opening - 3:30 p.m. Central Standard Time (CST))
3) Calhoun Point (legal opening - 3:30 p.m. CST)
4) Glades (legal opening - 3:30 p.m. CST)
5) Godar-Diamond (legal opening - 3:30 p.m. CST)
6) Horseshoe Lake - Madison County (legal opening - 3:30 p.m. CST; goose hunting is prohibited after the duck season)
7) Lake DePue (sunrise - noon)
8) Marshall County Conservation Area - Spring Branch Unit (legal opening - Noon)
9) Mazonia State Fish and Wildlife Area (legal opening to 12 noon; goose season coincides with site duck season; closed Mondays and Tuesdays)
10) Rice Lake Conservation Area (legal opening - Noon)
~~10)~~11) Sanganois Conservation Area (check station and walk-in ~~area~~ areas, hunters are not required to hunt from a blind site during goose seasons held prior to or after the duck season; legal opening - Noon)
~~11~~12) Spring Lake (legal opening - Noon; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)
~~12~~13) Stump Lake (legal opening - 3:30 p.m. CST)
~~13~~14) Woodford County Conservation Area (legal opening - Noon)

c) The following regulations apply to all sites listed in this Section under Subsection (a):

1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Card before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a

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first-come basis, as per 590.50 (b)(2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.

3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.

4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.

5) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 3 days prior to the waterfowl season.

6) It shall be unlawful to trespass upon the designated waterfowl hunting area 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season on Anderson Lake, Lake DePue, Marshall County, Spring Lake, and Woodford County Sites, Godar-Diamond and Crull Impoundment.

7) It shall be illegal to fish or trespass upon the designated waterfowl hunting area or waterfowl refuge beginning two weeks prior to the waterfowl season until the end of waterfowl season at Mazonia Fish and Wildlife Area.

8) No more than 4 persons shall occupy a blind at one time.

d) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time or during the time in parentheses, after which time the area shall be closed to additional hunters.

Anderson Lake (one hour before hunting time - 10:00 a.m.)
Batchtown (9:00 a.m. - 1:00 p.m.)
Calhoun Point (9:00 a.m. - 1:00 p.m.)
Glades (9:00 a.m. - 1:00 p.m.)
Godar-Diamond (9:00 a.m. - 1:00 p.m.)
Horseshoe Lake - Madison County (9:00 a.m. - 1:00 p.m.)
Lake DePue (one hour before hunting time - 9:00 a.m.)
Marshall County Conservation Area - Spring Branch Unit (one hour before shooting time - 9:00 a.m.)
Mazonia Fish and Wildlife Area (one hour before hunting time - 9:00 a.m.)
Rice Lake Conservation Area (one hour before hunting time - 9:00 a.m.)
Sanganois Conservation Area (one hour before hunting time - 10:00 a.m.)
Spring Lake (one hour before hunting time - 9:00 a.m.

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Stump Lake (9:00 a.m. - 1:00 p.m.)
Woodford County Conservation Area (one hour before hunting time - 9:00 a.m.)

e) Blind sites shall be allocated for a one-year period by a public drawing at:

Anderson Lake (Anderson Lake Management Unit)
Horseshoe Lake (Madison County)
Lake DePue
Marshall County Conservation Area - Spring Branch Unit
Mazonia State Fish and Wildlife Area
Rice Lake Conservation Area
Sanganois Conservation Area
Spring Lake
Woodford County Conservation Area

f) Blind sites shall be allocated for a 3-year period by a public drawing at: (location of drawing site in parenthesis)

Batchtown (Ball Park)
Godar-Diamond (Hardin Fairgrounds)
Calhoun Point and Stump Lake (Grafton Ball Park)
~~Diamond-Hurricane-Island-(Hardin-Fairgrounds)~~
Glades ~~and-12-Mile-Island~~ (Rosedale Headquarters Building)

g) Previous year's blind builders shall have until the time as noted in parentheses to salvage materials from their blinds.

Anderson Lake (February 1 of the following year)
Batchtown (7 days after the current drawing)
Calhoun Point (7 days after the current drawing)
Glades (7 days after the current drawing)
Godar-Diamond (7 days after the current drawing)
Horseshoe Lake - Madison County (7 days after the current drawing)
Lake DePue (7 days after the current drawing)
Marshall County Conservation Area - Spring Branch Unit (February 1 of the following year)
Mazonia State Fish and Wildlife Area (February 1 of the following year)
Rice Lake Conservation Area (February 1 of the following year)
Sanganois (7 days after the current drawing)
Spring Lake (February 1 of the following year)
Stump Lake (7 days after the current drawing)
Woodford County Conservation Area (February 1 of the following year)

h) Re-registration process for "3 year" blind allocation sites:

1) ~~Mississippi-River-Pools-21,-22,-24,-25-and-26~~ Batchtown, Calhoun Point, Glades, Godar-Diamond and Stump Lake

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for

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himself and his blind partners. Failure to re-register during prescribed period shall result in loss of blind site.

2) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) Sites covered in this Section have additional regulations in parentheses:

Blanding Wildlife Area (Federal Lands)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed)

Fuller Lake (Federal Lands; legal opening - 3:30 p.m. CST)

Helmbold Slough (Federal Lands; legal opening - 3:30 p.m. CST)

Illinois River - Pool 26

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season)

Lake Sinnissippi (Department Owned Land)

Marshall County Conservation Area - Sparland Unit (Department Owned Land)

~~Meredosia Lake---Cass County Portion Only (meandered waters only) (all--boat--traffic--is--prohibited--from--operating-on-meandered waters (except-un-motorized-boats-may-be-used-to--assist--in--the retrieval--of--waterfowl--shot-from-private-land)-from-the-period from-one-week-before-waterfowl--season--opens--until--the--season closes;--hunting--and/or--any-other-activity-is-prohibited-during the-period-from-one-week-before-waterfowl-season-opens-until--the season-closes)~~

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (Federal Lands)

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Pekin Lake (Department Owned Land)

Piasa (Federal Lands)

Red's Landing (Federal Lands)

Redwing Slough/Deer Lake (closed on Tuesdays, Thursdays and Fridays, hunting hours close at 12 noon daily, no goose hunting except during duck season)

Riprap Landing

~~Savanna Ordnance Depot (Federal lands)~~

Starved Rock State Park

William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites as announced at the drawing).

b) The sites listed above in subsection (a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. The following regulations apply to all sites listed in this Section under subsection (a).

1) Hours are legal opening to sunset except as indicated in parenthesis under subsection (a) above.

2) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first-come basis.

3) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

c) Hunting from permanent blinds will be permitted at the above areas with the following exceptions:

1) Blanding Wildlife Area - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.

~~1)~~2) Mississippi River Pool 16 - no permanent blinds (temporary blinds only), above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from river mile 474).

~~2)~~3) Mississippi River Pool 18, Boston Bay - no permanent blinds may be built. Temporary blinds only - 200 yards apart.

~~3)~~4) Mississippi River Pools 16-18 - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from

a permanent duck blind or in areas posted as closed to scull hunting.

~~4) Savanna-Ordnance-Depot---scull--boat--hunting--for--waterfowl--is permitted--but--hunters-must-not-get-closer-than-200-yards-from-a permanent-duck-blind-or--in--areas--posted--as--closed--to--scull hunters.~~

5) Red's Landing - that portion of Red's Landing that is north of the access road will be noted as a walk-in area only; during the regular duck season, no permanent blinds. This area will be closed to trespassing 3 days prior to duck season. Waterfowl hunting will be permitted during the regular duck season. Daily hunting hours will be legal opening until 1:00 p.m. CST.

d) Special access restrictions are at the following sites:

~~Savanna-Ordnance-Depot~~ Blanding Wildlife Area (boat access only)

e) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and ~~Savanna-Ordnance depot~~ Blanding Wildlife Area.

f) Previous year's blind builders shall have until the date listed in parentheses of the following year to salvage materials from blind sites. After this date, all materials shall become the property of the Department or the new blind builder, as determined by the site manager, except as noted in parentheses.

Blanding Wildlife Area (7 days after current year's drawing)

Chain O'Lakes (7 days after current year's drawing; except blind numbers 23, 24, 25, 26, and 27 must be removed in their entirety by May 1.)

Des Plaines River (February 1)

Fuller Lake (7 days after the current year's drawing)

Helmbold Slough (7 days after the current year's drawing)

Illinois River Pool 26 (7 days after the current year's drawing)

Kankakee River (February 1)

Lake Sinnissippi (blind drawing date; except blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 23, 26, 27, 28, 30, 31 and 32 must be removed in their entirety by May 1)

Marshall County Conservation Area - Sparland Unit (February 1)

Mississippi River Pools 16,17,18, 21, 22, 24, 25, 26, (7 days after the current year's drawing)

Pekin Lake (the blind drawing date

Piasa (7 days after the current year's drawing)

Red's Landing (7 days after the current year's drawing)

Redwing Slough/Deer Lake (February 1; access for blind removal by appointment with site manager)

Riprap Landing (7 days after the current year's drawing)

~~Savanna-Ordnance-Depot-(7-days-after-the-current-year's-drawing)~~

Starved Rock State Park (February 1)

William Powers (February 1)

g) Blind sites shall be allocated for the period as noted by a public drawing at:

Blanding Wildlife Area (1 year)

Chain O'Lakes (1 year)

Des Plaines River (1 year)

Helmbold Slough and Fuller Lake (3 years)

Horseshoe Lake State Park (Madison County) (1 year)

Illinois River Pool 26 and Piasa Island (3 years)

Kankakee River (1 year)

Lake Sinnissippi (1 year)

Marshall County Conservation Area - Sparland Unit (1 year)

Mississippi River Pools 16, 17, 18, 22, 24, (2 years)

Mississippi River Pools 25, 26 (3 years)

Pekin Lake (1 year)

Red's Landing and Riprap Landing (3 years)

Redwing Slough/Deer Lake (1 year)

~~Savanna-Ordnance-Depot-(1-year)~~

Starved Rock State Park (1 year)

William Powers (1 year)

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h) Re-registration Process for "2 year" and "3 year" Blind Allocation Sites.

1) Mississippi River Pools 21, 22, 24, 25 and 26, Illinois River Pool 26, Fuller Lake, Helmbold Slough, Red's Landing, Riprap Landing and Piasa
In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for himself and his blind partners. Failure to re-register during prescribed period shall result in loss of blind site.

2) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

3) Mississippi River Pools 16, 17 and 18
Blind builders must re-register blinds by mail or phone for the second year of the 2 year allocation. Blinds not re-registered prior to 2 weeks before duck season will be allocated for the second year of the 2 year period on a first-come, first-served basis, by calling the District Wildlife Manager, beginning 2 weeks before duck season from 9 a.m. to 12 noon.

i) At William Powers, fishing from boats during waterfowl season is unlawful. Fishing from the shore in areas posted as waterfowl hunting areas during waterfowl hunting season is unlawful.

j) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain of Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

Redwing Slough/Deer Lake

William Powers Conservation Area

(Source: Amended at 18 Ill. Reg. _____, effective JUN 2 1 1994)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

a) Sites covered in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. These sites are:

Braidwood Lake

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Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Project Lands and Waters

Cedar Lake

Chauncey Marsh

Clinton Lake State Recreation Area

Crab Orchard Refuge

Dog Island Wildlife Management Area

Donnelley State Wildlife Area

Eldon Hazlet State Park

Fox Ridge State Park

Ft. de Chartres Historic Site

Heidecke State Fish and Wildlife Area and Powerton Lake

Horseshoe Lake Conservation Area (Alexander County) Daily Drawing Waterfowl Hunting Area only

Horseshoe Lake Conservation Area (Alexander County) Public Hunting Area

Horseshoe Lake State ~~Recreation Area~~ Park (Madison County)

Joliet Army Ammunition Plant

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville

Lake Shelbyville Fish and Wildlife Management Area

~~LaSalle Fish and Wildlife Ar~~

Mermet Lake Conservation Ar

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Mississippi River Area Fish and Wildlife Area

Oakford Conservation Area

Pike County Conservation Area

Powerton Lake (Regulations combined with Heidecke Lake)

Rend Lake Project Lands and Waters

Rice Lake Conservation Area

Saline County Conservation Area

Sanganois Conservation Area

Sangchris Lake State Park

Shawnee National Forest, Bluff Lake

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)

Union County Conservation Area (firing line Waterfowl Management Area)

b) Site specific regulations

1) Braidwood Lake

A) Definitions:

i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area.

ii) Water blind site - a position within 50 yards of a numbered stake or buoy, or a position between two like-numbered buoys, where a blind may be located.

iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.

B) Waterfowl hunting shall be permitted on Department leased or managed lands and waters only at designated blind sites.

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C) Water blind sites shall be determined by the Department of Conservation and marked with a numbered stake or buoy.

D) Blind sites shall be allocated on a daily draw basis conducted at the check stations 90 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

E) Blind sites not selected during the drawing shall be allocated on a first-come, first-served basis. Vacant blind sites shall be allocated 90 minutes after legal hunting time. No blind sites shall be allocated after 9:00 a.m.

F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move, except that after 10:00 a.m. daily, hunters may move to a vacant blind site without notifying attendant, but such a move must be reported when checking out.

G) Hunting shall be from boat blinds with a minimum length of 16 feet and a minimum 60-inch beam, and must have a gas-powered motor.

H) Access to blind sites shall be by boat only and from designated boat launch sites.

I) No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.

J) Daily hunting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

L) No unauthorized pits or blinds shall be built on Department leased or managed land or water.

M) Braidwood Lake shall be closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and be closed to all fishing during waterfowl seasons commencing with duck season.

N) No hunting allowed on Monday and Tuesday.

O) Layout boats approved in advance by the site superintendent shall be permitted. A layout boat is defined as a non-motorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a

nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the designated tender boat location.

P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

Q) Hunting is closed on Christmas Day.

R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

S) It is unlawful to shoot across any dike.

T) Waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during goose seasons held prior to duck season is permitted.

U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting shall be prohibited.

2) Cache River State Natural Area

A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.

B) Dedicated Nature Preserve areas are closed to hunting.

3) Campbell Pond Wildlife Management Area

All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

4) Carlyle Lake Project Lands and Waters

A) Hunting hours for waterfowl are statewide opening hour until 1:00 p.m.

B) Waterfowl and coot hunting only shall be permitted in the subimpoundment area except in clearly posted rest areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas during waterfowl season.

C) No permanent blinds, goose pits, or other structural works may be constructed or dug on State managed lands at any time, except that the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site, and must be removed at the end of the day's hunt.

D) It is unlawful to enter the subimpoundment area during the 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 4:30 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the waterfowl hunting season. The subimpoundment area is defined as that area

bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and the Hurricane Creek Area (as defined in subsection 590.60(b)(4)(H).

E) ~~No--one--may--enter--or-remain-on-the-waters-of-Carlyle-Lake from-12:00-a.m.-(midnight)-to-3:00--a.m.--each--day--of--the waterfowl-hunting-season.--No-waterfowl-hunter-may-remain-in the--area--after-3:00-p.m.-each-day-of-the-waterfowl-hunting season.~~ The waters of Carlyle Lake ~~include~~ are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

F) Individual float tubes (not to exceed 42" diameter) and capable of supporting only one person may be used.

G) Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Conservation personnel shall post that the area is open to boats and will designate boat launching locations. Boats and electric trolling motors only are allowed only at these times in the subimpoundment areas.

H) In the subimpoundment areas, compartments 3 and 4 will be waterfowl rest areas during the entire waterfowl season. No waterfowl hunting shall be permitted on Hurricane Creek area which is defined as the area bordered by the Kaskaskia River on the South, D levee on the west, the Texas Oil Company pipeline on the north, and C levee on the east. No hunting within 50 yards of D levee (which surrounds subimpoundment 3) or F levee (which contains subimpoundment 4) is permitted. No trespassing will be allowed. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.

I) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.

J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. (A hunting party shall be defined as an individual, or group of hunters occupying a single boat, blind, or hunting site~~)~~.)

K) No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subimpoundment area.

L) No motor driven vehicles are allowed in the subimpoundment area except those operated by Department of Conservation or Corps of Engineers personnel.

M~~)~~ ~~Subimpoundment--area-waterfowl-regulations-apply-in-the-East Side-Management-area-for-waterfowl--hunting.---No--waterfowl-~~

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~~hunting shall be permitted in the Hurricane Creek Area.~~

~~N)~~M) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest registration box located at the access parking lot. All hunters must sign out and record their harvest ~~at the end of each day's hunt~~ before they exit the area.

5) Cedar Lake
All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

6) Chauncey Marsh
A) Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
B) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees is prohibited.
C) Dedicated Nature Preserve area is closed to hunting.

7) Clinton Lake
A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge, and within 200 yards of developed recreation areas, construction and industrial sites, or within 300 yards of electrical power lines.
C) Hunting parties must maintain a minimum distance of 200 yards apart.
D) No more than 3 persons shall occupy or use a portable boat blind.
E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.
F) Each hunting party is required to hunt over a minimum of 12 decoys.

8) Dog Island Wildlife Management Area
All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

9) Donnelley State Wildlife Area
A) Hunting is prohibited on Tuesdays and Wednesdays and on ~~November 14, 1993~~ the third Sunday of the central zone duck season except as indicated in Section 590.26.
B) Hunting hours are from sunrise to 12 Noon.

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C) Goose hunting is prohibited after the close of the duck season.
D) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
F) $10.00 daily usage stamp must be purchased to hunt this area.
G) No outboard motors are allowed by public - only by authorized DOC personnel.
H) No more than 3 persons shall occupy a blind at any one time.
I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.
J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.
K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

10) Eldon Hazlet State Park
A) Hunting hours close at 1:00 p.m.
B) Waterfowl and coot hunting shall be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites, developed recreation areas, fisheries rearing ponds, roadways, and residences.

11) Fox Ridge State Park
A) Hunting restricted to Embarras River and its flood waters.
B) No permanent blinds of any kind or other structural works are permitted.
C) No pits shall be dug, built or occupied.

12) Fort de Chartres Historic Site
A) No check station.
B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.
C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.
D) Hunting parties must maintain a minimum distance of 200 yards apart.
E) Each hunting party is required to hunt over a minimum of 12

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decoys which must be removed at the end of each hunting day.

F) No hunting is allowed during firearm deer season.

13) Heidecke State Fish and Wildlife Area and Powerton Lake

A) Definitions:

i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. ~~The boat blind and all blind materials must be removed at the end of each hunting day.~~

ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located.

iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.

B) Waterfowl hunting shall be permitted on Department leased or managed lands and waters only at designated blind sites.

C) Water blind sites shall be determined by the Department of Conservation and marked with a numbered stake or buoy.

D) Blind sites shall be allocated on a daily draw basis conducted at the check stations ~~90~~ 60 minutes before hunting time ~~at Heidecke State Fish and Wildlife Area and 60 minutes before hunting time at Powerton Lake~~. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

E) Blind sites not selected during the drawing shall be allocated on a first-come, first-served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m.

F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.

~~G) Hunting must be from boat blinds only.~~

H~~)~~G) Access to water blind sites must be by boat only and from designated boat launch sites.

~~I)~~H) All ~~water~~ hunting must be from portable boat ~~blind~~ blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.

~~J)~~I) Daily hunting hours shall be legal opening time to 12:00

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Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

~~K)~~J) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

~~L)~~K) No unauthorized pits or blinds shall be built on Department leased or managed land or water.

~~M)~~L) Heidecke Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season.

~~N)~~M) No hunting on Monday and Tuesday at Heidecke Lake. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.

~~O)~~N) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam and is powered by a gasoline motor. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.

~~P)~~O) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

~~Q)~~P) Hunting is closed on Christmas Day.

~~R)~~Q) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

~~S)~~R) It is unlawful to shoot across any dike at Heidecke Lake.

~~T)~~S) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke Lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season at Powerton Lake.

~~U)~~T) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting will be prohibited.

14) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

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A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and ~~28~~ on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday ~~December 28~~, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held 60 minutes prior to legal hunting hours each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys.

G) Daily hunting hours will be from sunrise to 12 Noon; hunters must return to the check station and report their harvest by 1:00 p.m.

H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

15) Horseshoe Lake (Alexander County) Public Hunting Area

A) No permanent blinds may be built.

B) Daily hunting hours close at 12:00 Noon.

16) Horseshoe Lake State ~~Recreation Area~~ Park (Madison County) and Mississippi River Area Fish and Wildlife Area (includes Batchtown, Calhoun Point, Glades, Godar-Diamond, Stump Lake, Fuller Lake, Helmbold Slough, Piasa, Red's Landing, Illinois River Pool 26, Riprap Landing and Mississippi River Pools 25 and 26.

A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.30(e), shall be given one week to correct deficiencies. Blinds failing the second inspection shall be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed,

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including final brushing, in advance of the opening date of the waterfowl season.

17) Joliet Army Ammunition Plant (Will County)

~~If negotiations between the Department and the United States Army are successfully concluded in time to have duck, coot or goose seasons at this site, regulations and requirements shall be publicly announced.~~

A) Waterfowl hunting hours are from statewide opening until 12 noon, with checkout by 1:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of $5.00 per person will be charged for waterfowl hunting.

B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.

C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.

D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

18) Kaskaskia River Fish and Wildlife Area

A) Hunting hours are statewide opening hour until 1:00 p.m. during the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour. ~~Goose hunting hours end at 1:00 p.m.~~

B) All waterfowl hunting parties must use at least 12 decoys and hunt at least 200 yards from the next hunting party.

C) No permanent blinds allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.

D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

E) No one under 16 years of age shall hunt or attempt to hunt on the area unless accompanied by an adult due to safety factors.

F) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) This area shall be closed to all public use

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prior to waterfowl hunting season. No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) ~~Waterfowl--and~~-Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting ~~only~~ allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the ~~latter~~ second firearm deer season occurs after duck season.

19) Kinkaid Lake Fish & Wildlife Area
- A) No permanent blinds.
- B) Temporary blinds only.
- C) 200 yards apart

20) Lake DePue (walk-in area)
- A) Blinds will be allocated by a daily drawing held 1 hour before hunting time.
- B) Hunting hours are from sunrise to 12 noon daily.
- C) All hunting shall be from designated blinds only.
- D) Refilling or changing blinds will not be permitted.
- E) Goose hunting is prohibited after the close of the duck season.
- F) All parties must hunt over a minimum of 12 decoys.
- G) No boats are allowed in the walk-in area.
- H) The walk-in area will be closed to hunting on November 14 (this is to accommodate the Youth Duck Hunt).
- I) All parties are required to report to the check station within 1 hour after termination of hunt or no later than 1 p.m.

21) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area
- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:
  - i) All parties must hunt within 10 yards of their assigned stake.
  - ii) All parties must be in place by one-half hour before hunting time.
  - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

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- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.
- D) Daily hunting hours shall be from legal opening to 1:00 p.m.
- E) Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection (B) above.
- F) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- G) The building of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.
- H) No goose pits shall be built or dug.
- I) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- J) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- K) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.
- L) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

22) Meredosia Lake - Cass County Portion Only (meandered waters only) (all boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

~~22)~~23) Mermet
- A) Waterfowl hunting shall be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals

who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

C) The daily drawing shall be held one hour prior to legal hunting time.

D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.

E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

G) Daily hunting hours shall be the legal opening until 12:00 Noon local time.

H) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

~~23) Mississippi River Area Fish and Wildlife Area~~

~~A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.~~

~~B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.~~

~~C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), shall be given one week to correct deficiencies. Blinds failing the second inspection shall be reassigned to alternates selected at a drawing on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.~~

24) Oakford Conservation Area

A) All blinds must be portable. No permanent blinds.

B) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.

25) Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier.

26) Rend Lake Project Lands and Waters

A) All blinds must be of a portable nature or [illegible]cted with

natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

B) No goose pits or permanent blinds shall be dug or built on Project lands.

C) All waterfowl hunters and all boats must be out of the ~~Wildlife Management Areas~~ Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.

D) No hunting permitted from the subimpoundment dams.

E) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

F) The distance between waterfowl hunting parties shall be no less than 200 yards.

G) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.

H) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1 except that boats used by waterfowl hunters are permitted in the subimpoundments from 4:30 a.m. until 2 p.m. during the waterfowl season, except during the last 3 days of the Canada goose season, boats used by waterfowl hunters are permitted in the subimpoundments from 4:30 a.m. until one hour after sunset.

I) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

J) Permanent blinds at the Whistling Wings Access Area shall be allocated by a daily drawing at 5:30 a.m.

K) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

L) Daily hunting hours for waterfowl shall be from legal opening time to 1:00 p.m., except during the last 3 days of Canada goose season, hunting shall close at sunset daily.

M) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.

ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.

iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.

iv) Bounded on the north portion of the Big Muddy Riv[illegible] by a buoy line and/or signs approximating a line [illegible]h would extend west from Ina, Illinois.

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v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.

vi) Bounded on Nason Point by refuge boundary signs at project limits.

N) After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

27) Rice Lake (Walk-in and Copperas Creek Management Units)

A) Hunting shall be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.

B) Hunters shall be determined by a daily drawing at the designated check station.

C) Hunting hours shall be from legal opening time until 12:00 Noon.

D) Walk-in hunting only.

28) Saline County Conservation Area

A) Waterfowl hunting is allowed north of the township road only.

B) Walk-in hunting only.

29) Sanganois Conservation Area (Walk-in ~~Area~~ Areas)

A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.

C) All hunters using ~~this~~ a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.

D) Upon the completion of hunting, hunters must report to the check station within one hour.

E) Fishing is prohibited in the impoundment areas during the waterfowl season.

F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.

G) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

H) Walk-in area legal opening until 12:00 noon during duck season. When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting [illegible]rs in effect. Hunters need not occupy a blind. All [illegible]ing must be conducted within non-refuge

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areas.

I) No hunting permitted from the walk-in area subimpoundment levee.

30) Sangchris Lake State Park

A) Hunting hours are legal opening until 12:00 Noon, except during the firearm deer season hunting hours shall cease at 10 a.m. and waterfowl hunters must be off the lake by 11 a.m. and during the last 3 days of Canada goose season, hunting hours will close at statewide closing. No waterfowl hunting the 1st day of firearm deer season in November or the 1st day of firearm deer season in December.

B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first-come, first-served basis. (During that portion of the goose season which follows the duck season, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

E) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in Section 590.60(b)~~(25)~~(30)(K)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

F) No more than 4 persons shall occupy a blind at one time.

G) Waterfowl hunting shall be permitted on State leased lands and waters in the Sangchris Lake State Park area, except in duly posted refuge areas, developed recreation areas, a minimum of 300 yards from all high lines and 500 feet from construction or industrial sites. The center arm of the lake shall be closed to all waterfowl hunting.

H) Blind sites shall be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation shall remove, move or close blind sites in order to carry out the operations of the overall management program.

I) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report the [illegible]kill for each blind.

J) Access to blind sites [illegible] be by boat only and from designated boat launch s[illegible] corridor located north of

the Middle Peninsula along the southern edge of the existing refuge will be established to provide access to either arm of the Lake.

K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes. Portable blinds or boat blinds must have been completed, including final brushing, before entering the area, and removed at the end of each hunting day. Cutting of natural vegetation for any purpose is unlawful.

L) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

M) No pits or blinds shall be built on State leased or Commonwealth Edison land.

N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

O) Corridor - Water travel lane, during waterfowl season only, for boating back and forth to blind sites.

P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.

Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.

S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Hunters must be at least 200 yards from the nearest hunting party. Hunting hours are legal opening until 12 noon, except during the firearm deer season when hunting hours cease at 10 a.m. and waterfowl hunters must be out of the area by 11 a.m. No waterfowl hunting on the first day of the November or December firearm deer seasons. Regulations in subsection 590.60(a)(30)(Q) also pertain to this hunting area.

31) Shawnee National Forest, Upper and Lower Bluff Lakes

A) Goose hunting is prohibited.

B) Hunting hours: legal opening until noon.

C) No permanent blinds or other structures may be constructed on the site.

32) Shawnee National Forest, LaRue Scatters

A) All hunting must be by walking or in boats without

motors.

B) Hunting hours for ~~all species~~ waterfowl in this area shall close at 12:00 Noon local time~~, except bow hunting for deer shall be permitted in accordance with statewide deer hunting hours (17 Ill. Adm. Code 670)~~.

C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

33) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

A) All hunting must be by walking into the area.

B) Hunting hours for ~~all species~~ waterfowl on this area shall close at 12:00 Noon local time~~, except bow hunting for deer shall be permitted in accordance with Statewide deer hunting hours (17 Ill. Adm. Code 670)~~.

C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

D) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

E) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

34) Stephen A. Forbes

A) Daily hunting hours are legal open to 1:00 p.m.

B) On the main lake hunting is allowed from a boat blind only and must be within 100 yards of a staked location.

C) Only walk-in hunting is allowed in the sub-impoundment. Hunting must occur within 100 yards of a staked location.

D) Hunting shall be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.

35) Sunspot Mine (Schuyler and Fulton Counties)

A) No permanent blinds may be built.

B) Temporary blinds only, 200 yards apart.

36) Ten Mile Creek Fish and Wildlife Area

A) ~~Permit required.~~ Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15 to the District Wildlife Manager, P.O. Box 313, Olney IL 62450.

B) All binds must be of portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

C) No goose pits or permanent blinds shall be dug or built on State lands.

D) The distance between waterfowl hunting parties or blind sites shall be no less than 200 yards.

~~E) Waterfowl hunters must obtain permit prior to hunting.~~

~~F)~~E) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

~~G)~~F) Areas designated as ~~REFUGE~~ refuge are closed to all access

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during the Canada Goose Season only. ~~REFUGE~~ Refuge designation has been given to ~~all land in Unit I~~ that part of the Belle River unit that lies south of Auxier Creek and is posted as refuge, and the ~~260~~ 250 acre tract at the Western edge of ~~Unit II~~ the Eads Mine unit.

H) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

37) Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

B) This area shall be closed at 12 noon during the goose season.

C) Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

D) Waterfowl hunting from staked sites only.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Illinois Snowmobile Grant Program

2) CODE CITATION: 17 Ill. Adm. Code 3010

3)

SECTION NUMBERS:	ADOPTED ACTION:
3010.30	Amendments
3010.40	Amendments
3010.70	Amendments
3010.80	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 608-1 and 609-1) [625 ILCS 40/8-1 and 9-1].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 21 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: JUN 21 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 8, 1994, 18 Ill. Reg. 5379

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: In Section 3010.70(a), "development grant" was changed to "development (construction) grant".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Funding assistance is being revised from current 50/50 cost-sharing basis to "up to 90%" on qualifying ROW acquisition projects; also reduces DOC's post-completion compliance monitoring responsibilities on construction projects from perpetuity to a maximum 20 year period.

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16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER g: GRANTS

PART 3010
ILLINOIS SNOWMOBILE GRANT PROGRAM

Section
3010.10 Program Objectives
3010.20 Eligibility Requirements
3010.30 Assistance Formula
3010.40 General Procedures for Grant Applications and Awards
3010.50 Eligible Project Costs
3010.60 Project Evaluation Priorities
3010.70 Program Compliance Requirements
3010.80 Program Information Contact

AUTHORITY: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 608-1 and 609-1) [625 ILCS 40/8-1 and 9-1].

SOURCE: Adopted and codified at 5 Ill. Reg. 13440, effective November 20, 1981; amended at 7 Ill. Reg. 14953, effective November 1, 1983; amended at 16 Ill. Reg. 1806, effective January 17, 1992; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 3010.30 Assistance Formula

~~The grant program shall operate on a 50% reimbursement basis of total approved project costs, with the exception of costs for snowmobile signs which are reimbursed at 100%.~~ Funding assistance up to 100% of eligible construction costs and 90% of eligible land acquisition costs for approved projects can be received through the program.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 3010.40 General Procedures for Grant Applications and Awards

a) Grant applications for funding assistance under the program must be submitted to the Department ~~no later than March 1 of each calendar year~~. The application deadline will be publicly announced by the Department. Necessary application forms and instructions are available through the Department. Awarding of grants will be made under the authority and directive of the Director of the Department of Conservation. The number of grants awarded each calendar year is limited to the total amount of funds available for the program [illegible] the given fiscal year.

b) Only project costs incurred by the local project spons[illegible] after

Department of Conservation grant approval are eligible for funding assistance. Any costs incurred prior to Department approval are ineligible for snowmobile grant assistance.

c) Project grant applications shall consist of the following basic components:

1) Acquisition Project
   A) completed application forms;
   B) parcel tabulation which lists an identification number, acreage size, estimated purchase price, and any existing property improvements for each parcel to be acquired;
   C) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or accomplishing the project;
   D) commitment for Title Insurance;
   E) project location map;
   F) future site development plan;
   G) environmental assessment statement;
   H) minutes and written comments received from required Public Hearing (Section 3010.70(d));
   I) project appraiser qualification statement; and
   J) letters of project support from local snowmobile clubs.

2) Development Project
   A) completed application forms;
   B) itemized development cost estimates for each project component;
   C) project narrative statement (same as above);
   D) copy of deed, lease or easement for property to be developed;
   E) project location map;
   F) site development plan;
   G) environmental assessment statement;
   H) minutes and written comments received from required Public Hearing (Section 3010.70(d));
   I) necessary state/local construction permits, if applicable;
   J) name of project engineer/architect; and
   K) letters of project support from local snowmobile clubs.

d) A project application packet may be obtained from the Division of ~~Technical---Services~~ Grant Administration, Illinois Department of Conservation. (See Section 3010.80.)

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 3010.70 Program Compliance Requirements

a) Any property acquired or developed through assistance from the Illinois Snowmobile Grant Program must be open to the general public for snowmobile use during periods of specified snow conditions as

agreed upon by the Department and local ~~sponsoring-agency~~ project sponsor. Property acquired or developed with program assistance may not be converted from snowmobile use without prior Department approval. Approval for property conversion will only be granted upon the ~~project~~ local project sponsor substituting replacement property equal in fair market value and comparable in snowmobiling usefulness, quality and location, except for project areas receiving development (construction) grant assistance only, whereby this requirement shall no longer apply after the time period specified below relative to the amount of grant funds received toward the facility.

Grant Amount Received	Time Period After Project Completion and Receipt of Final Grant Payment
$0 - $10,000	5 years
every $10,000 increment over $10,000	add one year

b) The local ~~sponsoring-agency~~ project sponsor must certify in a written affidavit that it possesses the funding capability to initially finance the total amount of project costs.

c) The local ~~sponsoring-agency~~ project sponsor must certify in a written affidavit and supply supporting documentation that adequate snow cover (a minimum of 4 inches) is, in fact, a normal climatic condition for the project area for a minimum of 14 days from November 1 through March 31.

d) For all projects, except those projects which involve only equipment purchase, the local project sponsor must hold a public hearing to discuss the project and provide the Department with a synopsis of the hearing, as well as any written comments received at the hearing. The meeting must be advertised in at least one local newspaper one to two weeks prior to the meeting.

e) For projects requesting development assistance, the ~~sponsoring-agency~~ local project sponsor must have either fee simple title to the land being developed or a perpetual lease or easement arrangement commensurate with the conversion amortization schedule established for development grant projects (see subsection 3010.70(a)).

f) For projects receiving acquisition assistance, an appraisal must be completed by the ~~sponsoring-agency~~ local project sponsor and certified by the Department. The appraisal must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought cannot be taken by the ~~sponsoring-agency~~ local project sponsor before Departmental approval is received.

g) For projects receiving development assistance, the ~~sponsoring--agency~~ local project sponsor must present to the Department, for review all working plans, specifications, contract documents and cost estimates prior to commencing work. The format for any advertisement for

prospectus soliciting and inviting bids, indicating dates of same, must also be presented to the Department for review prior to publication. The Department will notify the local project sponsor if the proposed project requires approval from a registered structural engineer.

h) The local ~~sponsoring-agency~~ project sponsor is required to enter into a standard State contract agreement with the Department for an amount agreed upon as necessary to complete the approved project and which specifies the related grant reimbursement amount and approved project elements.

i) Upon project completion, the local project sponsor must submit a certified project expenditure statement listing all funds expended on the project for which grant reimbursement is sought as well as required billing documentation.

1) ACQUISITION PROJECT: copy of the signed Statement of Just Compensation/Offer to Purchase Form, Warranty Deed (Judgement Order in case of condemnation) for property, copy of cancelled check showing proof of payment to seller, and completed Billing Form which itemizes project costs and contains a certification statement verifying project expenditures.

2) DEVELOPMENT PROJECTS: Copy of As-Built drawings, copy of receipts/invoices for project costs, copy of cancelled checks showing proof of payment, and completed Billing Form which itemizes project costs and contains a certification statement verifying project expenditures.

j) Financial records on approved projects must be maintained and retained by the local project sponsor for possible State audit for a period of ~~three~~ five years after final reimbursement payment is made by the Department.

1) If the local project sponsor receives more than $25,000 in grant funds, the local project sponsor shall be responsible for having an annual financial and compliance audit. This audit should be conducted as a part of the local project sponsor's annual audit. If the local project sponsor is exempt from State and federal audit requirements, the local project sponsor must procure a special audit covering all funds expended under this program. In essence, one agency wide audit will meet audit requirements for State of Illinois grant participation. The audit must be conducted by an independent public accountant, certified and licensed by the State of Illinois.

2) The local project sponsor shall be responsible for procuring the required audits. Audit procurements shall be conducted in accordance with the local project sponsor's normal procurement rules, provided these rules promote open competitive procurements.

3) The local project sponsor shall provide the Department a copy of all annual audits for all fiscal years concurrent or contiguous to the approved grant period within 30 days of the completed audit, and shall be responsible for timely action in resolving

any audit finding and/or questioned project costs. In the event that questioned costs are ultimately deemed disallowed, as determined by the Department, the local project sponsor shall be responsible for repayment of such costs.

k) The ~~sponsoring--agency~~ local project sponsor must ~~permanently~~ post a Snowmobile Grant Program acknowledgement sign at the project site where grant assistance is involved. The required sign or specifications for its construction will be furnished by the Department.

l) The ~~sponsoring--agency~~ local project sponsor shall insert as an integral part of any contract with the approved project bidder the following provisions:

1) That the contractor must abide by and comply with all applicable local and State laws relating to fair employment practices and prohibiting discrimination in employment contracts involving public funds, the construction or development of public buildings, works or facilities.

2) That the contractor must comply with and be bound by any applicable local and State laws in any manner pertaining or relating to wages and claims of laborers, mechanics and other workers, agents, or servants in any manner employed in connection with contracts involving public funds or the development or construction of public works, buildings or facilities.

3) That the contractor must abide by and comport with all applicable local and State laws relating or pertaining to the development and/or construction of public works, buildings, or facilities, including but not limited to, any and all applicable workmen's compensation acts or laws.

4) That the contractor shall provide and furnish to the satisfaction of the ~~sponsoring-agency~~ local project sponsor and the Department good and sufficient performance bond(s) with adequate surety or sureties, with applicable penalty or loss clauses concerning or relating to the construction of the proposed facilities and any losses, cost or damages arising out of, or by virtue of, said construction by the contractor of the specified snowmobile facilities and which insures, benefits and protects the ~~sponsoring-agency~~ local project sponsor and the Department.

5) That the contractor shall personally and individually agree and covenant, and shall furnish and provide sufficient evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the ~~sponsoring-agency~~ local project sponsor and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property arising out of, through, under or by virtue of the construction and development of the specified snowmobile facilities.

6) That the contractor certifies to the best of his knowledge that no officer or employee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any officer or employee made an admission of

guilt of such conduct which is a matter of record. Contractor further certifies that it is not barred from bidding or entering into a contract involving State of Illinois assistance as a result of violations of Section 33E-3 or 33E-4 of the Criminal Code of 1961, regarding bid rigging or bid rotating.

m) It shall be understood by the local project sponsor that a Department representative will make periodic inspections of the project as construction progresses and be available for consultation or assistance at any reasonable time upon request. It is further agreed and understood by the local project sponsor that a final inspection and acceptance of the completed project must be made by a representative of the Department prior to acceptance and final payment of grant reimbursement to the local ~~sponsoring-agency~~ project sponsor.

n) The ~~sponsoring-agency~~ local project sponsor shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of Program-assisted snowmobile facilities.

o) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of Program-assisted snowmobile facilities, it shall be understood that the local project sponsor is responsible for obtaining any and all necessary Permits, Licenses or Forms of Consent, as the case may be, from, but not limited to, the following:

1) Illinois Department of Transportation
2) Illinois Environmental Protection Agency
3) Illinois Historic Preservation Agency
4) Illinois Department of Conservation
~~4)~~5) Local Building or Zoning Agencies or Boards, where applicable.

In addition to the foregoing, the ~~sponsoring--agency~~ local project sponsor further agrees to comply with applicable provisions of the Recreational Area Licensing Act.

p) The ~~sponsoring-agency~~ local project sponsor must comply with and abide by the following Operation and Maintenance provisions:

1) The ~~sponsoring-agency~~ local project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct snowmobile rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the ~~sponsoring--agency~~ local project sponsor. Prior approval of the contract or agreement, and subsequent revisions thereof, shall be obtained from the Department. Any and all funds in excess of the costs of operation and maintenance of Program-assisted snowmobile facilities shall be used for the improvement of said facilities or similar public facilities in nearby areas.

2) The charging of fees for general public use of snowmobile facilities financed with funds from this grant program is strongly discouraged. However, if it is deemed necessary by the ~~sponsoring--agency~~ local project sponsor that fees must be levied

for use of these facilities, the ~~sponsoring-agency~~ local project sponsor shall:

A) Receive prior approval on an annual basis from the Department for scheduled fees to be charged;

B) Clearly document that existing agency operation and maintenance budget is not sufficient to cover the added cost of properly operating and maintaining the project facility;

C) Deposit all fees in a separate account to be used for maintenance of and improvement to the Program-assisted facility only. This account must appear on the ~~sponsoring agency's~~ local project sponsor's appropriation ordinance each year; and

D) On an annual basis, submit to the Department satisfactory statements of receipts and itemized expenditures from this fund.

3) All snowmobile facilities financed with funds from this grant program shall be continuously operated and maintained by the ~~sponsoring-agency~~ local project sponsor at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.

4) The ~~sponsoring-agency~~ local project sponsor shall satisfactorily maintain Program-assisted snowmobile facilities so as to promote the safe and enjoyable usage of the facility by the public.

5) The Department shall have access to Program-assisted facilities at all times for inspection purposes to ensure local project sponsor's continued compliance with program regulations.

6) All snowmobile facilities financed with funds from this grant program shall be open to the public for use and enjoyment without regard to race, color,sex, national origin, age or disability. No lessee or licensee of an area under a lease or license providing for a public or quasi-public use and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall discriminate against any person or persons because of race, color,sex, national origin, age or disability in the conduct of its operation under the lease, license or concession agreement.

7) All sub-leases or licenses entered into by the ~~sponsoring-agency~~ local project sponsor with third persons relating to accommodations or concessions to be provided for or at the snowmobile facility for the benefit of the general public shall be submitted to the Department for its approval prior to said sub-lease or license being entered into or granted by the ~~sponsoring-agency~~ local project sponsor.

8) It shall be permissible for the ~~sponsoring-agency~~ local project sponsor to close Fund-assisted snowmobile facilities during the following times:

A) During and immediately following severe weather condit[illegible] when the safety of the recreating public may be jeopard[illegible] or debris deposited on the facility prohibit its prope[illegible]

removal of such debris shall be completed immediately or as soon as practical thereafter so public use of the facility may be effectively resumed.

B) During periods of alternate freezing and thawing when anticipated public use could cause damage to the facility resource base or jeopardize the safety of the recreating public.

C) At night to prevent vandalism if deemed necessary by the ~~sponsoring-agency~~ local project sponsor.

During periods necessitating closure, the general public shall be appropriately informed by proper signs and through the news media. Other than as enumerated above, the ~~sponsoring-agency~~ local project sponsor agrees that the facilities shall be open for and to public use throughout the year.

q) Conflict of Interests:

1) No official or employee of the local ~~political-subdivision~~ project sponsor who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Snowmobile grant project shall have any financial or other personal interest in any such contract or subcontract.

2) No person performing services for the local ~~political-subdivision~~ project sponsor in connection with an approved Snowmobile grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Snowmobile grant project. No officer or employee of such person retained by the local ~~political--subdivision~~ project sponsor shall have any financial or other personal interest in any real property acquired under an approved Snowmobile grant project unless such interest is openly disclosed upon the public records of the local ~~political-subdivision~~ project sponsor, and such officer, employee or person has not participated in the acquisition for or on behalf of the local ~~political--subdivision~~ project sponsor.

r) Program Violations and Project Termination

1) The State may unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local ~~political--subdivision~~ project sponsor. A project shall be deemed commenced when the local ~~political-subdivision~~ project sponsor makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local ~~sponsoring-agency~~ project sponsor to comply with any of the above cited Program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgment of the Department, such failure was due to no fault of the local ~~sponsoring-agency~~ project sponsor.

3) Conversion of property acquired or developed with assistance from the Illinois Snowmobile Grant Program from public recreation and snowmobile use shall result in the local ~~sponsoring-agency~~ local project sponsor being held liable for replacing the converted property with comparable facilities as deemed acceptable by the Department. This requirement shall not apply to development grant project sites in which the amortization schedule specified for such projects in subsection 3010.70(a) has expired.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 3010.80 Program Information Contact

Write: Illinois Department of Conservation
Division of ~~Technical-Services~~ Grant Administration
Lincoln Tower Plaza
524 South Second St.
Springfield, Illinois ~~62706~~ 62701-1787
Telephone: 217/782-7481

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

2) CODE CITATION: 17 Ill. Adm. Code 570

3) SECTION NUMBERS: ADOPTED ACTION:

570.20	Amendments
570.30	Amendments
570.40	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 21 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3853

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 570.40(c), the "comma" following "following sites" was changed to a semi-colon.

In Section 570.40(c), Carlyle Lake, "includes impoundment numbers" was changed to "includes impoundments number".

In Section 570.40(c), Ten Mile Creek, the comma following "Olney" was deleted.

In Section 570.40(d), the comma following "following sites" was changed to a semi-colon.

Subsection 570.40(f) was mislabeled, it was changed to read 570.40(e).

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part are being made to consolidate and standardize regulations for State sites and to change statewide season dates.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570
MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG) TRAPPING

Section
570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 570.20 Statewide Season Dates

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
   1) Northern Zone: November 5 through the next following January ~~3~~ 5.
   2) Southern Zone: November 15 through the next following January ~~13~~ 15.
b) Red fox, gray fox and coyote
   ~~1) Northern Zone: Statewide:~~ November 15 through the next following January ~~13~~ 15.
   ~~2) Southern Zone: November 15 through January 13.~~
c) Beaver
   1) Northern Zone: November 5 through the next following March 31, except those portions of Carroll, Whiteside, and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 5 through the next following January ~~3~~5, inclusive.
   2) Southern Zone: November 15 through the next following March 31.
d) Woodchuck (Groundhog)
   Northern and Southern Zones: June 1 through the next following September 30.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
   1) Trapping hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for trapping at sunrise; January ~~3~~ 5 in the Northern Zone and January ~~13~~ 15 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
   2) Daily and possession limit: None
b) Red fox, gray fox and coyote
   1) Trapping hours: November 15 open for trapping at sunrise; January ~~13~~ 15 closed for trapping after sunset; otherwise, hours are unrestricted.
   2) Daily and possession limit: None
c) Beaver
   1) Trapping hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January ~~3~~ 5 after sunset; otherwise, hours are unrestricted.
   2) Daily and possession limit: None
d) Woodchuck (groundhog)
   1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
   2) Daily and possession limit: none.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations
   1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.
3) Trappers must stay within designated areas.
4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing.
5) All sites except Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area, Savanna Ordnance Depot and Sunspot Mine require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
6) ~~Egg-Traps,-B-P-(Dog-Proof)-Traps,-and-traps-of-similar-design-may be-used-for-land-sets-and-water-sets.--Sites-listed-in--570.40(b) that--say-"water-sets-only"-do-not-prohibit-the-use-of-Egg-Traps, B-P-(Dog-Proof)-Traps-or-traps-of-similar-design-on--land--unless so--stated.~~ Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses)~~,--in--addition,---body gripping--traps--with--a--10-inch-jaw-spread-or-larger-must-be-totally submerged-in-water-when-set~~:

~~Anderson-Lake-Conservation-Area-(no-trapping-during-duck--season; permit--required;-only-body-gripping-traps-with-a-jaw-spread-of-5 inches-or-less,-foot-hold-traps-with-a-jaw-spread-of-4-1/2-inches or-less-and-square-body-gripping-traps-with-a-10-inch-jaw--spread may--be--used--for-water-sets;-only-box-or-cage-type-traps-may-be used-for-land-sets)~~

~~Argyle-Lake-State-Park-(permit-required;-water-sets-only;--beaver trapping-only;-square-body-gripping-traps-with-10-inch-jaw-spread only)~~

~~Banner-Marsh-State-Fish-and-Wildlife-Area-(permit-required;-water sets-only;-only-body-gripping-traps-with-a-jaw-spread-of-5-inches or-less,-foothold-traps-with-a-jaw-spread-of-4-1/2-inches-or-less and--square--body-gripping-traps-with-a-10-inch-jaw-spread-may-be used)~~

~~Big-Bend-Fish-and-Wildlife--Area--(permit--required;--water--sets only;---only--body-gripping-traps-with-a-jaw-spread-of-5-inches-or less,-foot-hold-traps-with-a-jaw-spread-of-4-1/2-inches--or--less and--square--body-gripping-traps-with-a-10-inch-jaw-spread-may-be used-for-water-sets;-after-the-close-of-rabbit--season--foot-hold traps--with--a-jaw-spread-of-7-1/2-inches-or-less-may-be-used-for water-sets)~~

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Blandin Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

~~Carlyle-Lake-Wildlife-Management-Area--(permit--required;--permit must--be--carried--at--all-times-when-the-trapper-is-on-the-area; water-sets--only;--no--trapping--within--200--feet--of--developed recreation--areas;--no--trapping-in-the-subimpoundment-area-until after-the-close-of-the-duck-hunting--season--(the--subimpoundment area--is--defined-as-that-area-bordered-by-the-Kaskaskia-River-on the-east-and-south-and-extending-north-and-west--to--the--Carlyle Lake--project--boundary--and-includes-impoundment-numbers-1,-2,-3 and-4);-all-traps-used-must-be-tagged-with-special--Carlyle--Lake trap-tags-which-shall-be-issued-at-the-site-headquarters)~~

~~Clinton-Lake-Recreation-Area-(permit-required;-water-sets-only)~~

~~Coffeen--Lake--State--Park--(permit-required;-water-sets-only;-no trapping-during-duck-season)~~

~~Coleta--Ponds---(permit---required;---water---sets---only;---only body-gripping--traps--with--a--jaw--spread--of--5-inches-or-less, foot-hold-traps-with-a-jaw-spread-of-4-1/2--inches--or--less--and square--body-gripping-traps-with-a-10-inch-jaw-spread-may-be-used for-water-sets)~~

~~Dog-Island-Wildlife-Management-Area-(permit-required;-water--sets only)~~

~~Eldon--Hazlet--State--Park---north--of--Allen--Branch-and-west-of Peppenhorst-Branch-only-(permit-required;-water-sets-only)~~

~~Fort-de-Chartres-Historical-Site--(permit--required;--water--sets only)~~

~~Giant--City--State--Park--(permit-required;-water-sets-only;-only body-gripping-traps-with-a-jaw-spread-of-5-inches-or-less-may--be used)~~

~~Hennepin---Canal---Parkway--including--Sinnissippi--Lake--(permit required;--water--sets--designated--to--drown--the--animal--only; trappers-must-register-at-park-office;-only--body-gripping--traps with-a-jaw-spread-of-5-inches-or-less,-foot-hold-traps-with-a-jaw~~

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~~spread--of--4-1/2--inches--or-less-and-square-body-gripping-traps with-a-10-inch-jaw-spread-may-be-used-for-water-sets;--no--floats may--be--set--more--than--14-days-prior-to-the-season-and-must-be removed-at-the-conclusion-of-the-season;-Egg-Traps;-D-P-Traps-and traps-of-similar-design-are-prohibited}~~

~~Horseshoe--Lake--Conservation--Area--(Alexander--County)--(permit required;-water-sets-only}~~

~~I-&-M-Canal-(permit-required;-only-box-or-cage-type-traps-may--be used-for-land-sets}~~

~~Johnson-Sauk--Trail-State-Park-(permit-required;-water-sets-only; only-body-gripping-traps-with-a-jaw-spread-of-5-inches--or--less; foot-hold--traps--with--a--jaw-spread-of-4-1/2-inches-or-less-and square-body-gripping-traps-with-a-10-inch-jaw-spread-may-be-used}~~

~~Kaskaskia-River-Fish-and-Wildlife-Area--(permit--required;--water sets-only;-Dora-Creek-Waterfowl-Management-Area-closed-three-days prior-to-and-during-duck-season}~~

~~Kidd-Lake-State-Natural-Area-(permit-required;-water-sets-only}~~

Kinkaid Lake Fish and Wildlife Area

~~Lake--Le-Aqua-Na--State-Park-(permit-required;-only-body-gripping traps-with-a-jaw-spread-of-5-inches-or-less;-foot-hold-traps-with a-jaw-spread-of-4-1/2-inches-or--less--and--square--body-gripping traps--with-a-10-inch-jaw-spread-may-be-used-for-water-sets;-only box-or-cage-type-traps-may-be-used-for-land-sets}~~

~~Lake-Shelbyville-Eagle-Creek--Wildlife--Management--Area--(permit required;--current--or--previous-year's-Illinois-trapping-license required-to-enter-drawing;-no-more-than-50-traps-may-be-used--per permit;--all--traps--must-be-tagged-with-the-letters-ECWA-and-the year;-permit-must-be-in-possession-when-on-the-area-for--trapping purposes;--only-body-gripping-traps-with-a-jaw-spread-of-5-inches or-less-or-foot-hold-traps-with-a-jaw-spread-of-4-1/2--inches--or less-may-be-used-for-land-sets;-square-body-gripping-traps-with-a 10--inch--jaw--spread-may-be-used-for-water-sets;-beaver-trapping closes-at-the-end-of-the-muskrat-season}~~

~~Lake-Shelbyville-West-Okaw-and-Kaskaskia-Fish-and--Wildlife--Area (permit--required;--current--or-previous-year's-Illinois-trapping license-required-to-enter-drawing;-no-more-than-50-traps--may--be used--per--permit;-no-trapping-in-Fish-Hook;-Jonathan-Creek;-Dunn or-McGee-Waterfowl-Areas-during-waterfowl-season;-all--traps--must be-tagged-with-the-letters-SPWA-and-the-year};-only-body-gripping traps--with--a--jaw-spread-of-5-inches-or-less-or-foot--hold-traps with-a-jaw-spread-of-4-1/2-inches-or-less-may-be--used--for--land sets;-square-body-gripping-traps-with-a-10-inch-jaw-spread-may-be used-for-water-sets;-beaver-trapping-closes-at-the-end-of-muskrat season}~~

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

~~Mackinaw--River--State--Fish--and-Wildlife-Area-(permit-required; water-sets-only;-only-body-gripping-traps-with-a-jaw-spread-of--5 inches-or-less;-foot-hold-traps-with-a-jaw-spread-of-4-1/2-inches or--less-and-square-body-gripping-traps-with-a-10-inch-jaw-spread may-be-used-for-water-sets}~~

~~Marshall-County-Fish-and-Wildlife-Area--(permit--required;--water sets-only;-only-body-gripping-traps-with-a-jaw-spread-of-5-inches or--less;--foot-hold--traps--with-a-jaw-spread-of-4-1/2-inches-or less-and-square-body-gripping-traps-with-a-10-inch-jaw-spread-may be-used-for-water-sets;-no-trapping-during-duck-season}~~

~~Mermet-Lake-Fish-and-Wildlife-Area-(permit-required;--water--sets only}~~

~~Mississippi--Palisades--State--Park--(permit-required;-water-sets only;-beaver-trapping-only;-square-body-gripping--traps--with--10 inch-jaw-spread-only}~~

Mississippi River Pools 16, 17, 18, 21, 22, 24

~~Mississippi-River-Pools-25,-26-(permit-required;-water-sets-only; no-trapping-during-waterfowl-season}~~

~~Moraine--Hills--State--Park--(permit--required;--no-more-than-two persons-may-enter-drawing-on-a-single-card;-current--or--previous year's--Illinois--trapping--license--required--to--enter-drawing; trapping-limited-to-Wildlife-Area--only;--only--muskrats--may--be taken;--all--traps--must--be--water--sets-only;-furthermore;-only body-gripping-traps-with-a-jaw-spread-of-5-inches-or-less-may--be used}~~

~~Morrison-Rockwood-State-Park-(permit-required;-only-body-gripping traps-with-a-jaw-spread-of-5-inches-or-less;-foot-hold-traps-with a--jaw--spread--of--4-1/2-inches-or-less-and-square-body-gripping traps-with-a-10-inch-jaw-spread-may-be-used-for-water-sets;--only box-or-cage-type-traps-may-be-used-for-land-sets}~~

~~Panther-Creek-Conservation-Area~~

Pyramid State Park (permit-required;water sets only)

~~Randolph--County--Conservation--Area-(permit-required;-water-sets only}~~

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Rend Lake Project Lands and Waters (water sets only)

~~Rice-Lake-Fish-and-Wildlife-Area-(no-trapping-during-duck-season; permit-required;-only-body-gripping-traps-with-a-jaw-spread-of--5 inches-or-less;-foot-hold-traps-with-a-jaw-spread-of-4-1/2-inches or--less-and-square-body-gripping-traps-with-a-10-inch-jaw-spread may-be-used-for-water-sets;-only-box--or-cage-type-traps--may--be used-for-land-sets)~~

~~Rock--Cut--State--Park--(permit--required;--water-sets-only;-only body-gripping-traps-with-a--jaw--spread--of--5--inches--or--less; foot-hold--traps--with--a--jaw-spread-of-4-1/2-inches-or-less-and square-body-gripping-traps-with-a-10-inch-jaw-spread-may-be--used for-water-sets)~~

Sanganois Fish and Wildlife Area (no trapping in designated duck rest areas during the duck season)

~~Sangchris-Lake-Fish-and-Wildlife--Area--(permit--required;--water sets-only;-no-trapping-during-duck-season)~~

~~Savanna--Ordnance--Depot--(trapping-area-includes-the-islands-and associated-backwater-sloughs-immediately-upstream-from--lock--and Dam-12;-no-trapping-on-mainland)~~

~~Shabbona--Lake-State-Park-(permit-required;-water-sets-only;-only body-gripping-traps-with-a--jaw--spread--of--5--inches--or--less; foot-hold--traps--with--a--jaw-spread-of-4-1/2-inches-or-less-and square-body-gripping-traps-with-a-10-inch-jaw-spread-may-be--used for-water-sets)~~

~~Sparland--Fish--and--Wildlife--Area--(permit-required;-water-sets only;-only-body-gripping-traps-with-a-jaw-spread-of-5--inches--or less;--foot-hold--traps-with-a-jaw-spread-of-4-1/2-inches-or-less and-square-body-gripping-traps-with-a-10-inch-jaw-spread--may--be used-for-water-sets;-no-trapping-during-duck-season)~~

~~Spring--Lake-Conservation-Area-(permit-required;-water-sets-only; only-body-gripping-traps-with-a-jaw-spread-of-5-inches--or--less; foot-hold--traps--with--a--jaw-spread-of-4-1/2-inches-or-less-and square-body-gripping-traps-with-a-10-inch-jaw-spread-may-be--used for-water-sets;-no-trapping-during-duck-season)~~

Sunspot Mine (Fulton and Schuyler Counties)

~~Ten--Mile--Creek--State--Fish-and-Wildlife-Area-(permit-required; water-sets-only;-areas-designated-as-Refuge--are--closed--to--all access--during-Canada-Goose-Season-only;-permits-must-be-returned to-the-District-Wildlife-Manager;-P.O.-Box-313;-Olney;-Ill.-62450 by-March-15)~~

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~~Turkey-Bluffs-Fish-and-Wildlife-Area-(permit-required;-water-sets only)~~

~~Union-County-Conservation-Area-(permit-required;-water-sets-only)~~

~~Washington-County-Conservation-Area-(permit-required;-water--sets only)~~

c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Carlyle Lake Wildlife Management Area (permit must be carried at all times when trapper is on the area; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundments number 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which shall be issued at the site headquarters)

Clinton Lake Recreation Area

Coffeen Lake State Park (no trapping during duck season)

Dog Island Wildlife Management Area

Eldon Hazlet State Park - north of Allen Branch and west of Pepenhorst Branch only

Fort de Chartres Historical Site

Horseshoe Lake Conservation Area

I & M Canal

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake State Natural Area

Lake Shelbyville Eagle Creek Wildlife Management Area (current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters ECWA and the year; bodygripping

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traps with a jaw spread of 5 inches or less and foothold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; beaver trapping season closes at the end of the muskrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during duck season; all traps must be tagged with the letters SFWA and the year; body-gripping traps with a jaw spread of 5 inches or less and foothold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; beaver trapping closes at the end of the muskrat season)

Mermet Lake Fish and Wildlife Area

Mississippi River Pools 25, 26 (no trapping during duck season)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing)

Panther Creek Conservation Area

Randolph County Conservation Area

Sangchris Lake Fish and Wildlife Area (no trapping during duck season)

Ten Mile Creek State Fish and Wildlife Area (areas designated as Refuge are closed to all access during Canada Goose season only; permits must be returned to the District Wildlife Manager, P.O. Box 313, Olney IL 62450 by March 31)

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area (no trapping during duck season)

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Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (no trapping during duck season)

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area

Marshall County Fish and Wildlife Area (no trapping during duck season)

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area (no trapping during duck season)

Rock Cut State Park

Shabbona Lake State Park

Sparland Fish and Wildlife area (no trapping during duck season)

Spring Lake Conservation Area (no trapping during duck season)

Trail of Tears State Forest

Union County Conservation Area

~~d~~e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

1) All regulations shall be according to species regulations as provided for in this Part.

2) Permit application information and site specific regulations

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shall be announced publicly by the Department through the news media by September 1 of each year.

3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 2 1 1994)

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1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) CODE CITATION: 17 Ill. Adm. Code 550

3)

SECTION NUMBERS:	ADOPTED ACTION:
550.20	Amendments
550.30	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 2 1 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3868

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 550.30(c), Banner Marsh, a space was inserted between "firearm" and "season".

In Section 550.30(c), Marseilles, the "s" in "state" was capitalized.

In Section 550.30(e), the comma following "must register" was changed to a semi-colon.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

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15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was revised extensively to consolidate, and to the degree possible, standardize regulations on State sites. Hamilton County Conservation Area will be opened to furbearer hunting and the hunting program at Fort de Chartes is being expanded.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE AND WOODCHUCK (GROUNDHOG) HUNTING

Section
550.10 General Regulations
550.20 Statewide Regulations
550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUN 21 1994.

Section 550.20 Statewide Regulations

a) Raccoon, Opossum
   1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.
   2) Northern Zone hunting dates: November 5 through the next following January 20, except as noted in Section 550.10(a) above.
   3) Southern Zone hunting dates: November 15 through the next following January 30, except as noted in Section 550.10(a) above.
   4) Hunting hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide

with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.26) [520 ILCS 5/2.26].

5) Daily limit and possession limit: None.

b) Red fox and gray fox

1) Hunting dates: November 15 through the next following January 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Opens November 15 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.

3) Daily limit and possession limit: None.

c) Coyote and Striped Skunk

1) Hunting dates: Year around except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours.

3) Daily limit and possession limit: None.

d) Woodchuck (groundhog)

1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Sunrise to sunset.

3) Daily limit and possession limit: None.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 2 1 1994)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this section is more restrictive.

b) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permits may be obtained from site offices, and must be in possession while hunting. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report shall result in the hunter being ineligible to hunt at that site for the following year.

c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

~~Anderson-Lake-Conservation-Area-(coyote-and-striped-skunk--season shall--coincide--with--statewide-fox-season;-all-hunting-to-begin after-the-close-of-regular-duck-season;--.22-rimfire-firearms--may be-used-from-sunset-to-sunrise)~~

~~Argyle--Lake--State--Park--(coyote-and-striped-skunk-season-shall coincide-with-statewide-fox-season;--.22-rimfire-firearms--may--be used-from-sunset-to-sunrise)~~

Banner Marsh State Fish and Wildlife Area (coyote only; ~~shotgun and-archery-only;~~ firearm season ~~to-coincide~~ coincides with the site ~~where--rabbit~~ upland game ~~is--hunted~~ season (See Section 530.10(b) and Section 530.20(b)) ~~and--site;~~ archery season coincides with site archery deer hunting ~~seasons~~ season (See Section 670.10))

~~Big-Bend-Conservation-Area-(coyote-and-striped-skunk-season-shall coincide-with-statewide-fox-season;--.22-rimfire-firearms--may--be used-from-sunset-to-sunrise)~~

~~Big--River--State--Forest--(coyote-and-striped-skunk-season-shall coincide-with-statewide-fox-season;--.22-rimfire-firearms--may--be used-from-sunset-to-sunrise)~~

Campbell Pond Wildlife Management Area

~~Cache--River--State-Natural-Area-(coyote-and-striped-skunk-season to-coincide-with-statewide-fox-season)~~

~~Carlyle-Lake-bands-and-Waters---Corps-of-Engineers-managed--lands (coyote--and--striped--skunk-season-shall-coincide-with-statewide fox-season;-no-woodchuck-hunting)~~

~~Carlyle-Lake-Wildlife-Management-Area-(Waterfowl-Management--Area is--closed--during-the-waterfowl-season;-coyote-and-striped-skunk season-shall-coincide-with-statewide--fox--season;--no--woodchuck hunting;--.22-rimfire-firearms-may-be-used-from-sunset-to-sunrise)~~

~~Chauncey--Marsh--(permit--required;--may-be-obtained-at-Red-Hills State-Park-headquarters;-no-hunting-in-dedicated-Nature-Preserve; return-permit-by-February-15;--.22-rimfire-firearms--may--be--used from--sunset-to-sunrise;-no-woodchuck-hunting;-coyote-and-striped skunk-season-coincides-with-statewide-fox-season.~~

~~Crawford-County-Conservation-Area-(Permit--required;--coyote--and striped-skunk-season-shall-coincide-with-statewide-fox-season;-no woodchuck--hunting;--.22-rimfire-firearms-may-be-used-from-sunset to-sunrise)~~

Dog Island Wildlife Management Area

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~~Eldon-Hazlet-State--Park--north--of--Allen--Branch--and--west--of Peppenhorst--Branch--(no--woodchuck--hunting;--coyote-and-striped skunk-season-shall-coincide-with-statewide-fox-season)~~

Fort de Chartres Historic Site (~~raccoon-and-opossum-hunting-only; hunting-with-muzzle-loading-firearms~~ and archery only)

~~Green-River-State-Wildlife-Area-(Lee--County--Conservation--Area) (permit--required;--raccoon;-fox-and-coyote-hunting-only;-raccoon and-fox-season-January-1-through-the-end-of-the-statewide-season; coyote-season-January-15----February--28;--.22--rimfire--firearms permitted)~~

I-24 Wildlife Management Area

~~Iroquois--County--Conservation--Area-(Raccoon;-opossum-and-coyote only;-raccoon-and-opossum-hunting-permitted-after-close-of-permit pheasant-season;-permit-required;-.22--rimfire--firearms--may--be used;--hunting--hours--sunset--to--sunrise--only;--coyote-hunting permitted-as-prescribed--in--Section--550.10(a)--and--sunrise--to sunset--from--the-end-of-permit-pheasant-season-to-January-31-and sunset-to-sunrise-from-end-of-permit-pheasant-season--to--end--of fox--season-during-which-time-.22-rimfire-firearms-may-be-used-to take-coyotes;-free-permit-required)~~

~~Kankakee-River-State--Park--(raccoon--and--opossum--hunting;--.22 rimfire--firearms--may--be--used;--hunting--hours--are--sunset-to sunrise;-permit-valid-for-designated-night(s)-only;-person-issued permit-must-be-present-to-hunt-or-permit-is-void;--permittee--may take-up-to-three-hunting-partners-along;-permit-valid-from-sunset on--designated--date--to--sunrise-the-following-day;-hunters-must report-harvest-to-site-superintendent-by-December-31;-hunting--is allowed-only-from-statewide-opening-to-sunrise-on-Wednesday-prior to--second--firearm--deer--season;--except--as--noted--in-Section 550.10(a);-fox-and-coyote-hunting---hunting-allowed-only-from-the day-after-the-permit-pheasant-season-closes-through--January--31; hunting--hours-are-4:00-a.m.-to-0:00-p.m.;-hunters-must-check-out and-report-harvest-prior-to-leaving--site;--hunters--must--obtain free-season-permits-from-site-office-prior-to-hunting)~~

~~Kaskaskia--River--Fish--and--Wildlife--Area-(Boza-Creek-Waterfowl Management-Area-closed-3-days-prior-to-and--during--duck--season; .22-rimfire-firearms-permitted-from-sunset-to-sunrise;-coyote-and striped-skunk-season-shall-coincide-with-statewide-fox-season;-no woodchuck-hunting)~~

~~Kickapoo--State--Park--(raccoon;-opossum-and-coyote-only;-raccoon and---possum--hunting--hours--sunset--to--sunrise--only;---permit required--obtain--from--site-office;-.22-rimfire-firearms-may-be used;--coyote--hunting--permitted--as---prescribed---in---Section 550.10(a);--and-0:00-a.m.-to-4:00-p.m.-daily-during-the-statewide rabbit-season;-and-sunset-to-sunrise-from-start-of-fox-season--to January--15;--.22--rimfire--firearms--may--be-used-to-take-coyote sunset-to-sunrise;-permit-required;-obtain-from-site-office;--All permits--must--be-returned-and-harvest-reported-by-February-15-to the-Park-Office;-R.R.-1;-Box-374;-Oakwood;-Illinois-61858).~~

~~Kidd-Lake-State-Natural-Area-(.22-rimfire-may-be-used-from-sunset to-sunrise;-coyote-and-striped-skunk-season-shall--coincide--with statewide-fox-season;-no-woodchuck-hunting)~~

Kinkaid Lake Fish and Wildlife Area

~~Lake-Shelbyville---Kaskaskia-and-West-Okaw-Fish-and-Wildlife-Area (night--hunters-must-obtain-a-permit;-.22-rimfire-firearms-may-be used-for-taking-raccoon;-striped-skunk;-and-opossum--from--sunset to--sunrise--only;-no-woodchuck-hunting;-coyote-and-striped-skunk season-to-coincide-with-statewide-fox-season)~~

~~Lincoln-Trail-State--Park--(raccoon--hunting--only;--.22--rimfire firearms--may--be--used;--hunting--hours--sunset-to-sunrise-only; permit-required;-obtain-from-site--office;--hunters--must--report harvest--to--site--superintendent--by-December-31;-hunting-season from-sunset-November-22-to-sunrise-December-1-and-sunset-December 6-to-sunrise-December-28)~~

~~Marseilles-Conservation-Area-(no-night-hunting;--fox--and--coyote hunting--only;--fox--season--January--1-----state-closing;-coyote January-1---February-28;-.22-rimfire-firearms-permitted)~~

~~Marshall-State-Fish-and-Wildlife-Area-(raccoon-and--opossum--only may--be--hunted;--.22-rimfire-firearms-may-be-used-from-sunset-to sunrise)~~

~~Middlefork-Fish-and-Wildlife-Area-(raccoon;--opossum--and--coyote only;--raccoon--and-opossum-hunting-hours-sunset-to-sunrise-only; permit-required;-obtain-from-site-office;--.22--rimfire--firearms may--be--used;--coyote-hunting-permitted-as-prescribed-in-Section 550.10(a);-and-0:00-a.m.-to-4:00-p.m.-daily-during-the--statewide rabbit--season;-and-sunset-to-sunrise-from-start-of-fox-season-to January-15;--.22-rimfire-firearms--may--be--used--to--take--coyote sunset--to-sunrise;-permit-required;-obtain-from-site-office;-All permits-must-be-returned-and-harvest-reported-by-February--15--to the-Park-Office;-R.R.-1;-Box-374;-Oakwood;-Illinois-61858)~~

~~Mississippi--River--Pools--16;--17;--18-(hunting-not-permitted-in developed-area;--.22-rimfire-firearms-permitted)~~

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~~Mississippi-River-Pools-21,-22,-24,-25,-26-(.22-rimfire--firearms permitted;--hunting--not--permitted--within--300-ft.-of-any-legal waterfowl-blind--or-in-developed-areas-during-waterfowl-season)~~

~~Oakford-Conservation-Area-(.22-rimfire--firearms--permitted--from sunset-to-sunrise)~~

~~Panther--Creek-Conservation-Area-(.22-rimfire-firearms-permitted; coyote-and-striped-skunk-season-shall-coincide-with-statewide-fox season;-no-woodchuck-hunting)~~

~~Pike-County-Conservation-Area-(all-hunting-closes-November-30--in Area--A;--all--hunting--closes-December-15-in-Area-C;-.22-rimfire firearms-permitted)~~

~~Ramsey-Lake-State-Park--(permits--required;--coyote--and--striped skunk--season--shall--coincide--with--statewide--fox--season;-.22 rimfire-firearms-may-be-used-from-sunset-to-sunrise)~~

~~Randolph-County-Conservation-Area-(.22-rimfire--firearms--may--be used--from--sunset--to--sunrise;--coyote-and-striped-skunk-season shall-coincide-with-statewide-fox-season;-no-woodchuck-hunting)~~

Rend Lake Project Lands and Waters

~~Saline-County-Conservation-Area-(hunting-north--of--the--township road--only;--coyote-and-striped-skunk-season-to-coincide-with-the statewide-fox-season;-.22--rimfire--firearms--may--be--used--from sunset-to-sunrise)~~

~~Sand--Ridge--State--Forest--(permit-required;-raccoon-and-opossum season-dates-shall-coincide--with--trapping--season;--coyote--and striped--skunk--season--shall-coincide-with-statewide-fox-season; .22-rimfire-firearms-permitted)~~

Sangamon County Conservation Area

~~Sangamois-Conservation-Area-(hunting-prohibited-within-300-ft.-of legal-blinds-or-developed-areas;-.22-rimfire-firearms-may-be-used from-sunset-to-sunrise)~~

Sangchris Lake State Park (fox and coyote hunting only; harvest report required; hunting is prohibited within 200 yards of developed areas such as picnic and camping areas; hunters pursuing upland game, waterfowl, or deer in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530, 590, 650, 660 and 670, respectively, may take fox and coyote during the statewide seasons for fox and coyote hunting. In addition, fox and coyote may be taken during statewide hunting

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hours from the end of the goose hunting season in the central zone to the end of the statewide fox hunting season; coyotes may also be taken from the close of the statewide fox hunting season through March 31; any fox or coyote taken must be removed from the site; hunters must report harvest at site office)

Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of duck season and remains closed through the duck season)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes 3 days before opening of duck season and remains closed through the duck season; non-toxic shot only ~~as-defined-in-Section-590.10(d)~~)

Siloam Springs State Park (coyote and striped skunk only; season will coincide with statewide archery deer season, for archers only; and second firearm season, shotgun only)

Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; ~~hunting--hours--are 4:00--a.m.--to-8:00-p.m.-through-January-31;~~ coyote season closes March 1; hunters must check in and check out and report harvest prior to leaving site)

Site M (~~coyote--hunting--will--be--allowed--as-announced-by-the Department-~~.22 rimfire firearms permitted; hunters must obtain a season long permit from the site office; no woodchuck hunting)

~~Stephen--A.--Forbes--State--Park--(permits--required;--coyote-and striped-skunk-season-shall-coincide-with--statewide--fox--season; .22-rimfire-firearms-may-be-used-from-sunset-to-sunrise)~~

~~Sunspot-Mine-(Fulton-and-Schuyler-Counties)-(.22-rimfire-firearms may-be-used-from-sunset-to-sunrise)~~

~~Tapley--Woods--State--Natural-Area-(muzzle-loading-rifles-and-.22 rimfire-firearms-may-be-used-from-sunset-to-sunrise;--coyote--and striped-skunk-season-shall-coincide-with-statewide-fox-season)~~

~~Ten-Mile-Creek-State-Fish-and-Wildlife-Area-(permit-required;--.22 rimfire--firearms--may--be--used--from-sunset-to-sunrise;-parking cards-must-be-displayed-in-windshield;-permits-must--be--returned by--February--15--to--the--District--Wildlife--Manager,-700B-West Lafayette,-P.O.-Box-313,-Olney,-IL.-62450;--areas--designated--as Refuge-are-closed-to-all-access-during-Canada-Goose-Season-only)~~

~~Trail--of--Tears--State--Forest-(.22-rimfire-firearms-may-be-used from-sunset-to-sunrise;-coyote-and--striped--skunk--season--shall~~

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~~coincide--with-statewide-fox-season;-permit-required;-obtain-from site-office;-permit-must-be--returned--and--harvest--reported--by February--15-to-the-Park-Office;-R.R.-1;-Box-1331;-Jonesboro;-Il. 62952)~~

~~Turkey-Bluffs-Fish-and-Wildlife-Area-(.22-rimfire-firearms-may-be used-from-sunset-to-sunrise;--coyote--and--striped--skunk--season shall-coincide-with-statewide-fox-season;-no-woodchuck-hunting)~~

~~Walnut--Point--Fish--and-Wildlife-Area-(raccoon-hunting-only;-.22 rimfire-firearms--may--be--used;--hunting--hours--are--sunset--to sunrise;-permit-required;-hunters-must-report-harvest-to-the-site superintendent--by--December--31;--hunting-allowed-November-22-to sunrise-on-the-Wednesday-prior-to-the-second-firearm-deer--season and-from-sunset-December-6-to-sunrise-December-20)~~

~~Washington--County-Conservation-Area-(permit-required;-coyote-and striped-skunk-season-shall-coincide-with-statewide-fox-season;-no woodchuck-hunting)~~

~~Weinberg-King-State-Park-(permit--required;--coyote--and--striped skunk--season--shall--coincide--with--statewide--fox--season;--no woodchuck-hunting)~~

~~Wildcat--Hollow-State-Park-(.22-rimfire-firearms-may-be-used-from sunset-to-sunrise;-coyote-and-striped-skunk-season-shall-coincide with-statewide-fox-season)~~

~~Woodford-County-Conservation-Area-(raccoon--and--opossum--hunting only;--hunters--must--register;--season--opens--after-duck-season closes;--.22-rimfire-firearms-may-be-used-from-sunset--to--sunrise only)~~

d) Statewide regulations as provided for in this Part apply at the following sites ~~(exceptions--noted--in--parentheses).----In--addition, hunters--must--obtain--a--permit-from-respective-site-office.--Permits must-be-in-possession-while-hunting.--The-permit-must-be-returned--and harvest--reported--by--February--15.---Coyote--and--skunk-season-shall coincide--with--statewide--fox--season.---No--woodchuck---hunting---is permitted.~~; .22 rimfire firearms permitted from sunset to sunrise (exceptions are in parentheses):

~~Clinton-Lake--(.22--rimfire--firearms--may--be--used--for--taking raccoon,-striped-skunk-and-opossum-from-sunset-to-sunrise)~~

~~Eagle-Creek-State-Park-(no-night-hunting)~~

~~Fox-Ridge-State-Park-(.22-rimfire-firearms-may-be-used-for-taking raccoon,-striped-skunk-and-opossum-from-sunset-to-sunrise)~~

~~Hidden--Springs--State-Park-(.22-rimfire-firearms-may-be-used-for

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taking-raccoon,-striped-skunk-and-opossum-from-sunset-to-sunrise)

~~Lake--Shelbyville--Eagle--Creek--Wildlife--Management--Area--(.22 rimfire-firearms-may-be-used-for-taking--raccoon,- striped--skunk and-opossum-from-sunset-to-sunrise)~~

Lincoln Trail State Park (permit and harvest report required; raccoon hunting only; hunting allowed from sunset on the first day after the first firearm deer season to sunrise on the first day before the second firearm deer season, and from sunset the day after the second firearm deer season to sunrise on December 20)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - State closing; coyote January 1 - February 28)

Marshall State Fish and Wildlife Area (raccoon and opossum hunting only)

Mississippi River Pools 16, 17, 18 (hunting prohibited within 300 feet of developed areas)

Mississippi River Pools 21, 22, 24, 25, 26 (hunting prohibited within 300 feet of developed areas and legal waterfowl blinds during waterfowl season)

Oakford Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)

Sangamois Conservation Area (hunting prohibited within 300 feet of developed areas and legal blinds during waterfowl season)

Sunspot Mine

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose season only)

e) Statewide regulations as provided for in this Part apply at the following sites. In addition, coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted from sunset to sunrise (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of regular duck season)

Argyle Lake State Park

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Big Bend Conservation Area

Big River State Forest

Cache River State Natural Area

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, opossum and fox season January 1 through the end of the statewide season; coyote and striped skunk season January 15 - February 28)

Ramsey Lake State Park (permit required)

Saline County Conservation Area (hunting north of the township road only)

Sand Ridge State Forest (permit required; raccoon and oppossum season dates shall coincide with trapping season)

Stephen A. Forbes State Park (permit required)

Tapley Woods State Natural Area (muzzleloading rifles may be used from sunset to sunrise)

Trail of Tears State Forest (permit and harvest report required)

Walnut Point Fish and Wildlife Area (permit and harvest report required; raccoon hunting only; hunting allowed from sunset on the first day after the first firearm deer season to sunrise on the first day before the second firearm deer season, and from sunset the day after the second firearm deer season to sunrise on December 20)

Wildcat Hollow State Park

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register; season opens after duck season closes)

f) Statewide regulations as provided for in this Part apply at the following sites. In addition, coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted from sunset to sunrise; no woodchuck hunting (exceptions are in parentheses):

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season)

Chauncey Marsh (permit required, may be obtained at Red Hills

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State Park headquarters; no hunting in dedicated Nature Preserve)

Clinton Lake (permit and harvest report required)

Crawford County Conservation Area (permit required)

Eagle Creek State Park (permit and harvest report required; no night hunting)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Fox Ridge State Park (permit and harvest report required)

Hamilton County Conservation Area (permit required)

Hidden Springs State Park (permit and harvest report required)

Iroquois County Conservation Area (permit required; season opens after close of permit pheasant season)

Kankakee River State Park (permit and harvest report required; season opens after close of permit pheasant season)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)

Kickapoo State Park (permit and harvest report required; hunting hours sunset to sunrise only)

Kidd Lake State Natural Area

Lake Shelbyville Eagle Creek Wildlife Management Area (permit and harvest report required)

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit)

Middlefork Fish and Wildlife Area (permit and harvest report required; hunting hours sunset to sunrise except that coyote hunting is permitted as prescribed in Section 550.10(a)

Panther Creek Conservation Area

Randolph County Conservation Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (permit required)

Weinberg King State Park (permit required)

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(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

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NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season

2) CODE CITATION: 17 Ill. Adm. Code 720

3) SECTION NUMBERS: ADOPTED ACTION:

720.10	Amendments
720.20	Amendments
720.25	New Section
720.40	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 21 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3884

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 720.10(a), "(No firearm deer hunting . . .)" was changed to read "(no firearm deer hunting . . .)".

In Section 720.25(e), "you are" was deleted and "you" was changed to "applicant".

Section 720.25(e)(1) and (2) were changed to read:

1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or

2) Either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

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In Section 720.25(f), "(and his immediate family)" was changed to read "(and immediate family)" in two places.

In Section 720.25(g), the comma following "shareholders" in the last sentence was deleted.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part add Lee, Mason, Morgan, St. Clair and Tazewell counties, and several State sites located in these counties, to the list of sites open for hunting; add a new Section dealing with landowner/tenant permit requirements; and update site-specific information.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section
720.10 Hunting Seasons and Counties Open to Hunting
720.20 Statewide Turkey Permit Requirements
720.25 Turkey Permit Requirements - Landowner/Tenant Permits
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10, and 2.11) [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUN 2 1 1994.

Section 720.10 Hunting Seasons and Counties Open to Hunting

a) Season: Statewide season October 1 through the next following January ~~13~~ 12, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650, except those Department of Conservation (Department or DOC) sites designated below by asterisk (*)~~,~~ shall be open to archery turkey hunting without regard to firearm deer season~~.~~ (~~No~~ no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

b) Open Counties:

Adams	Mason
Alexander	McDonough
Bond	Mercer
Brown	Monroe
Bureau	Morgan
Calhoun	Ogle
Carroll	Pike
Cass	Pope
Clark	putnam

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Clay	Randoplph
Cumberland	RockIsland
Effingham	Saline
Fayette	Schuyler
Fulton	Scott
Gallatin	St Clair
Greene	Stephenson
Hancock	Tazewell
Hardin	Union
Henderson	Washington
Jackson	Whitside
Jersey	Williamson
Jo Daviess	Winnebago
Johnson	
Knox	
Lee	
Macoupin	
Marion	
Marshall	

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994 _____)

Section 720.20 Statewide Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of $5.00. Non-resident turkey hunters shall be charged $50.00 for wild turkey hunting permits. Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, Illinois 62794-9446

b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

c) Applications will be accepted beginning the first ~~Monday--in--June~~ workday after July 4. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.

~~d) Landowners-including-non-resident-and-out-of-state-landowners-who--own 40--acres--or--more--land--and--resident--tenants-and-members-of-their immediate-family-may-apply-for-a-free-turkey-permit-for-their-property only-in-counties-open-for-turkey-hunting.--A-resident-tenant--for--the purpose--of--this--Part--is--one--who--rents-40-acres-or-more-land-for commercial-agricultural-purposes-under-an-agreement-with-a--landowner.~~

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~~Commercial-agriculture-shall-be-defined-as-utilization-of-land-for-the raising--of--hay,-grain-crops-or-livestock-for-profit.--All-landowners or-tenants-that-do-not-reside-on-the-property--must--possess--a--valid hunting--license.--If-the-property-is-owned-or-rented-by-more-than-one person:--Only-one-landowner-(and-his-immediate-family)-or--one--tenant (and--his-immediate-family)-will-be-issued-a-permit-for-every-40-acres of-owned-or-rented-land.-For-example,-if-3-persons-own-90-acres,--only 2-of-the-landowners-and-their-immediate-family-may-receive-permits:~~

~~1) The--immediate--family--is--limited--to-the-spouse,-children,-and parents--permanently--residing--on--the--same--property--as---the landowner-or-tenant.~~

~~2) Proof--of-ownership-for-all-free-landowner-or-tenant-applications must-be-provided-by-one-of-the-following-methods:~~

~~A) Submittal-of-a-copy-of-property-deed;~~

~~B) Submittal-of-a-copy-of-contract-for-deed;~~

~~C) Submittal-of-a-copy-of-a--tax--statement--for--the--property (upon--which--the--landowner's-name-appears-as-landowner,-or person-signing-application-appears-as-landowner);~~

~~D) Submittal-of-a-copy-of-either-an-Agricultural--Stabilization and-Conservation-Service-476-or-Commodity-Credit-Corporation 477-Form;-or~~

~~E) Submittal-of-a-copy-of-a-trust-agreement-which-must-indicate that-the-trust-owns-at-least-40-acres-and-the-applicant-is-a beneficiary-of-the-trust.~~

~~3) If--you--are--applying--for--a-tenant-permit,-you-are-required-to submit-in-addition-to-the-landowner-certification--and--proof--of ownership,-a-copy-of-one-of-the-following:~~

~~A) A---copy--of--Internal--Revenue--Service--Schedule--F--1987. Submittal-of-a-copy-of-a-lease--or--rental--agreement,--file stamped--as--recorded--by--the--County--Clerk,--covering-the current-year;-or~~

~~B) Submittal-of-a-copy-of-either-an-Agricultural--Stabilization and--Conservation--Services--476--Form--or--Commodity-Credit Corporation-477-Form.~~

~~4) A-hunting-rights-lease-or-other--non-agricultural--lease--is--not valid--as--a--basis-for-obtaining-a-landowner-or-tenant-permit.-A trustee-of-a-land-trust-is-not-eligible-to--receive--a--landowner permit.~~

~~5) Shareholders-of-corporations-owning-40-or-more-acres-of-land-in-a county--may-apply-for-a-free-permit-to-hunt-the-corporation-lands only.--Only-one-permit-per-40-acres,-for-a-maximum-number--of--15 permits-per-county-shall-be-issued-based-on-ownership-of-lands-by corporations.----Lands---leased--to--corporations--shall--not--be considered-as-a-basis-for-a-free-permit-for-the--shareholders--of the--trustee.--If-application-is-made-for-a-free-permit-based-upon lands-owned-by-the-corporation,-a-duly-authorized-officer-of--the corporation--must--sign--a--notarized--statement--authorizing-the applicant-to-hunt-on-the-corporate-lands-for-which--a--permit--is being-requested.--This-statement-must-identify-the-applicant-is-a~~

~~shareholder,--identify-authorization-to-hunt-and-identify-that-no more-than-15-authorizations-will-be-requested-per-county-for--the corporation--lands.---This--document--must--be--attached--to--the application-upon-submittal-to-the-Permit-Office.~~

~~e)~~d) A $3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail then there will be no charge.

~~f)~~e) It shall be unlawful to:

1) Submit more than one application for the same person.
2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 720.25 Turkey Permit Requirements - Landowner/Tenant Permits

a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowner/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of $25.00.

d) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed;
2) Submittal of a copy of contract for deed;
3) Submittal of a copy of most recent estate tax statement upon which landowner's name appears;
4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477; or

5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

e) If applying for a tenant permit, applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
2) Either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

f) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family receive turkey permits.

g) Shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be $25.00.

(Source: Added at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area

Argyle Lake State Park ~~(October-15-through-statewide-closing)~~

Beaver Dam State Park (only archery deer hunters will be allowed

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to take turkeys while deer hunting during the prescribed season dates)

Big River State Forest

Cache River State Natural Area (Little Black Slough Hunting Area)

Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subimpoundment area closed 3 days prior to and during the duck season)

Castle Rock State Park (November 1 through ~~statewide closing~~ December 31)

Dog Island Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres Historic Site

Franklin Creek State Park

Giant City State Park

I-24 Wildlife Management Area

Kaskaskia River ~~State~~ Fish and Wildlife Area (~~south of Highway 154 only~~ except that area north of Hwy 154, east of the Kaskaskia River, and south of Risdon School Road and Beck's Landing access road)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest

Mississippi Palisades State Park (season dates - November 1 through December 31)

Mississippi River Pool 16, 17 ~~and~~, 18, 21, 22 and 24

Panther Creek Conservation Area

Pere Marquette State Park

Pike County Conservation Area Hunting closes November 30 in Area A; Hunting closes December 15 in Area C

* Ramsey Lake State Park

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* Randolph County Conservation Area

Saline County Conservation Area

Sand Ridge State Forest

Sanganois State Wildlife Area

Shawnee National Forest

Siloam Springs State Park

Site M (~~in designated areas only; hunting will be allowed as announced by the Department~~ parking permitted in designated areas only)

* Stephen A. Forbes State Park

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Public Hunting Area (October 1-15 only)

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

Witkowsky State Wildlife Area

c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Gun Season

2) CODE CITATION: 17 Ill. Adm. Code 715

3)

SECTION NUMBERS:	ADOPTED ACTION:
715.10	Amendments
715.20	Amendments
715.25	New Section
715.40	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) EFFECTIVE DATE OF AMENDMENTS: JUN 2 1 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 21, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 18, 1994, 18 Ill. Reg. 3895

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 715.25(c), "m,embers" was changed to read "members".

In Section 715.25(d), the comma following "permits" was deleted.

Section 715.25(g)(1) and (2) were changed to read:

1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or

2) Either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

In Section 715.25(h), "(and his immediate family)" was changed to read "(and immediate family)" in two places; and "40 acres or owned" was changed to "40 acres of owned".

In Section 715.25(i), the comma following "shareholders" in the last line was deleted.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to add Cass, Henderson, Marion and Scott counties, and several State sites located in these counties, to the list of sites open for hunting and to add a new Section dealing with landowner/tenant permit requirements.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 715
THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section
715.10 Hunting Season, Open Counties and Permit Quotas
715.20 Statewide Turkey Permit Requirements
715.21 Turkey Permit Requirements - Special Hunts
715.25 Turkey Permit Requirements - Landowner/Tenant Permits
715.30 Turkey Hunting Regulations
715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUN 2 1 1994.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

a) Season: October ~~16~~ 15 through October ~~24, 1993~~ 23, 1994.
b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson
Jackson
Jersey
Jo Daviess
Marion
Pike
Pope (north of Rt. 146 only)
Randolph

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Saline
Schuyler
Scott
Union
Williamson

c) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 2 1 1994)

Section 715.20 Statewide Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of $15.00. Non-resident turkey hunters shall be charged $75.00 for the first wild turkey hunting permit. If a second permit is obtained, the fee shall be $25.00. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.1) [520 ILCS 5/3.1] are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, IL 62794-9446

b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season shall not be guaranteed receipt of permit by start of season.
c) Applications shall be accepted from residents only beginning the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications postmarked after July ~~16~~ 15 shall not be included in the drawing.
d) Permits not issued during the computerized drawing shall be available in a random daily drawing beginning August ~~23~~ 22. All hunters not receiving a permit in the computerized drawing and non-residents may apply at this time for the available permits.
e) Any permits not issued as of the third Monday in September shall also be available in a random daily drawing to those hunters who have previously received one permit. Hunters may obtain a maximum of two

permits for the fall gun season.

~~f) Landowners-including-non-resident-and-out-of-state-landowners-who--own 40--acres--or--more--land--and--resident--tenants-and-members-of-their immediate-family-may-apply--for--one--free--turkey--permit--for--their property-only-in-areas-open-for-turkey-hunting.--A-resident-tenant-for the--purpose--of--this-Part-is-one-who-rents-40-acres-or-more-land-for commercial-agricultural-purposes-under-an-agreement-with-a--landowner. Commercial-agriculture-shall-be-defined-as-utilization-of-land-for-the raising--of--hay,-grain-crops-or-livestock-for-profit.--All-landowners or-tenants-that-do-not-reside-on-the-property--must--possess--a--valid hunting-license.~~

~~g) Landowners,--or--tenants-are-not-required-to-participate-in-the-public drawing-for-permits-and-are-not-counted-toward--the--total--number--of permits-issued-for-a-particular-county.~~

~~1) The--immediate--family--is--limited--to-the-spouse,-children,-and parents--permanently--residing--on--the--same--property--as---the landowner-or-tenant.~~

~~2) Proof--of-ownership-for-all-free-landowner-or-tenant-applications must-be-provided-by-one-of-the-following-methods:~~

~~A) Submittal-of-a-copy-of-property-deed;~~

~~B) Submittal-of-a-copy-of-contract-for-deed;~~

~~C) Submittal-of-a-copy-of-a--tax--statement--for--the--property (upon--which--the--landowner's-name-appears-as-landowner,-or person-signing-application-appears-as-landowner);~~

~~D) Submittal-of-a-copy-of-either-an-Agricultural--Stabilization and-Conservation-Service-476-or-Commodity-Credit-Corporation 477-Form,-or~~

~~E) Submittal-of-a-copy-of-a-trust-agreement-which-must-indicate that-the-trust-owns-at-least-40-acres-and-the-applicant-is-a beneficiary-of-the-trust.~~

~~3) If--you--are--applying--for--a-tenant-permit,-you-are-required-to submit,-in-addition-to-the-landowner-certification-and--proof--of ownership,-a-copy-of-one-of-the-following:~~

~~A) A--copy--of--a--lease--or--rental-agreement,-file-stamped-as recorded-by-the-County-Clerk,-covering-the-current-year;-or~~

~~B)--A--copy--of--either--an---Agricultural---Stabilization---and Conservation---Services---476---form---or--Commodity--Credit Corporation-477-form.~~

~~4) A-hunting-rights-lease,-or-other-non-agricultural-lease,--is--not valid-as-a-basis-for-obtaining-a-landowner-or-tenant-permit.~~

~~5) If-the-property-is-owned-or-rented-by-more-than-one-person:--Only one--landowner--(and-his-immediate-family)-or-one-tenant-(and-his immediate-family)-shall-be-issued-a-permit-for-every-40-acres--of owned-or-rented-land.~~

~~6) For--example,-if-3-persons-own-90-acres,-only-2-of the-landowners and-their-immediate-family-may-receive-turkey-permits.~~

~~7) Shareholders-of-corporations-owning-40-or-more-acres-of--land--in an--area--open-to-hunting-may-apply-for-a-free-permit-to-hunt-the corporation-lands-only.--Only-one-permit--per--40--acres,--for--a maximum--number-of-15-permits-per-county-shall-be-issued-based-on ownership-of-lands-by-corporations.--Lands-leased-to-corporations shall-not-be-considered-as-a-basis--for--a--free--permit--of--the shareholders--of-the-lessee.--Lands-held-in-trust-by-corporations shall-not-be-considered-as-a-basis--for--a--free--permit--by--the shareholders--of--the-trustee.--If-application-is-made-for-a-free permit--based--upon--lands--owned--by--the--corporation,--a--duly authorized-officer-of--the--corporation--must--sign--a--notarized statement--authorizing--the--applicant--to--hunt-on-the-corporate lands-for-which-a-permit-is-being-requested.--This-statement-must identify-the-applicant-is-a-shareholder,--identify--authorization to--hunt-and-identify-that-no-more-than-15-authorizations-will-be requested-per-county-for-the-corporation--lands.---This--document must--be-attached-to-the-application-upon-submittal-to-the-Permit Office.~~

~~h)~~ f) A $3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.

~~i)~~ g) It shall be unlawful to:

1) Submit applications for receiving more than one permit for the same person; or

2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 715.25 Turkey Permit Requirements - Landowner/Tenant Permits

a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Nonresident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of $37.50

d) Landowners or tenants are not required to participate in the public

drawing for permits and are not counted towards the total number of permits issued for a particular county.

e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Tuesday in September from any permits remaining. Fees for this additional permit shall be $15.00 for residents and $25.00 for nonresidents.

f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed;

2) Submittal of a copy of contract for deed;

3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;

4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477; or

5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or

2) Either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

h) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

i) Shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders and the cost to nonresident

shareholders shall be $37.50.

(Source: Added at 18 Ill. Reg. _____, effective JUN 21 1994)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

a) Statewide regulations (see 17 Ill. Adm. Code 510) shall apply for the following sites:

Kaskaskia River Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Pools 18 (Henderson County only), 21, 22, 24, 25 and 26

Pike County Conservation Area

Shawnee National Forest

Sunspot Mine (Schuyler County only)

b) Statewide regulations shall apply except that all hunters must check in and check out and must report turkey harvest at the check station or on a sign out sheet at the areas listed below. Quotas, where listed, shall be on a first-come, first-serve basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Big River State Forest (quota will be publicly announced)

Fort de Chartres Historic Site (muzzleloading shotgun only)

Giant City State Park

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park - Public Hunting Area

Saline County Conservation Area

Siloam Springs State Park - quota will be publicly announced

Tapley Woods - quota will be publicly announced

Trail of Tears State Forest

Turkey Bluffs Fish and Wildfish Area

Union County Conservation Area-Firing Line Management Unit Only

Weinburg-King State Park

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Witkowsky State Wildlife Area - quota will be publicly announced

c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-serve sites.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 21 1994)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

1) Heading of Part: Minimal Hazard Certification

2) Code Citation: 35 Ill. Adm. Code: 670

3)

Section Numbers:	Adopted Action:
670.101	New Section
670.102	New Section
670.103	New Section
670.104	New Section
670.105	New Section
670.106	New Section
670.107	New Section
670.201	New Section
670.203	New Section
670.205	New Section
670.207	New Section
670.209	New Section
670.211	New Section
670.213	New Section
670.215	New Section
670.217	New Section
670.301	New Section
670.401	New Section
670.501	New Section

4) Statutory Authority: Implementing and authorized by Section 14.5 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1014.5) [415 ILCS 5/14.5].

5) Effective Date of the Amendments: JUN 17 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rulemaking contain incorporations by reference? Yes.

If "yes" was a copy of the approval form issued by JCAR attached to this rulemaking? Yes.

8) Date Filed in Agency's Principal Office: June 14, 1994

9) Notice of Proposal Published in the Illinois Register

17 Ill. Reg. 18730, October 28, 1993

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

10) Has JCAR issued a State of Objection to this rule?
No.

11) Differences between the proposed and adopted version.

The following changes have been made to the adopted version of these rules:

A. Generally, all SUBPART headings have been centered and all references to Illinois Compiled Statutes were changed to comport with the existing format.

B. Regarding Section 670.102:

All definitions and headings were moved five additional spaces to the right.

The definition of "Board" designating the Illinois Pollution Control Board was added to the definitions.

In the "Hazardous Substance" definition, the word "*Subparagraphs*" was removed.

In the "Potential Primary Source" definition, the enumeration for each subpart was removed.

In the "Potential Secondary Source" definition, the enumeration for each subpart was removed.

In the "Reactive Material" definition, the section symbols for the "CFR" references in the seventh paragraph were removed.

In the "Release" definition, the letter headings of the subparts were removed.

C. Regarding Section 670.104:

The Section heading was changed to match the heading in the text.

D. Regarding Section 670.107:

The reference to "Pensky-Martens" was properly spelled.

E. Regarding Section 670.209:

ENVIRONMENTAL PROTECTION AGENCY

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The section lettering of subsections was replaced with letters and numbers for the subsections.

The reference in Section 670.209(b) to "THE AGENCY SHALL NOTIFY, NOT LATER THAN JANUARY 1, 1988," was changed to "*The Agency notified*".

F. Regarding Section 670.301:

The reference in Section 670.301(a)(5) to "Subsection a(1)(c)" was changed to "subsection (3)".

The reference in Section 670.301(b)(2) to "Subsection" was changed to "subsection".

G. Regarding Section 670.401(b)(1), the text was changed to read as follows:

Illinois Department of Agriculture permit (8 Ill. Adm. Code 255 and the endorsement by the Agency (authorized by Section 39.4 of the Act and using the standards and criteria from Subtitles B, C, and F of this Title 35), or;

H. Regarding Section 670.401(b)(2)(E):

"Subsection (a)(1)(c)" to was changed to "subsection (b)(2(c)".

I. Regarding Section 670.501(c):

The "." with was replaced with ")" for this label.

12) Have all the changes agreed upon by the agencies and JCAR been made as indicated in the agreement letter issued by JCAR? The agencies have agreed to all the substantive modifications with JCAR. On April 19, 1994, JCAR transmitted a Certificate of No Objection to Proposed Rulemaking to the IEPA.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there other proposed amendments pending on this Part? No.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

15) Summary and purpose of rules: These adopted rules introduce a minimal hazard certification procedure for above ground tanks, containers, and waste piles that are potential sources of groundwater contamination and are within the setback zones of any regulated recharge area or any potable water supply well in Illinois. The rules establish procedures for the application, review, certification and decertification processes for the minimal hazard determination and provides criteria for the use and management of these potential sources of groundwater contamination.

16) Information and questions regarding the adopted amendments should be directed to:

Stephen C. Ewart
Deputy Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

The full text of the adopted amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 670
MINIMAL HAZARD CERTIFICATION

SUBPART A: GENERAL

Section
670.101 Purpose
670.102 Definitions
670.103 Compliance with the Act, Board Rules, and Permit Conditions
670.104 Conflicts with Board Rules
670.105 Severability
670.106 Agency Mailing Address
670.107 Incorporations by Reference

SUBPART B: MINIMAL HAZARD CERTIFICATION SYSTEM

Section
670.201 Applicability
670.203 Minimal Hazard Certification Requirements
670.205 Agency Review and Confirmation of Certification
670.207 Certification Conditions
670.209 Finding of Certification Adequacy
670.211 Failure to Act
670.213 Decertification
670.215 Certification Listing
670.217 County or Municipality Agreements

SUBPART C: USE AND MANAGEMENT OF CONTAINERS

Section
670.301 Containers

SUBPART D: USE AND MANAGEMENT OF ABOVE GROUND TANKS

Section
670.401 Above Ground Tanks

SUBPART E: USE AND MANAGEMENT OF WASTE PILES

Section
670.501 Waste Piles

AUTHORITY: Implementing and authorized by Section 14.5 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1014.5) [415 ILCS 5/14.5].

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

SOURCE: Adopted at 18 Ill. Reg. _____, effective JUN 17 1994.

SUBPART A: GENERAL

Section 670.101 Purpose

a) Section 14.5(a) of the Illinois Environmental Protection Act ("Act") (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1014.5(a)) [415 ILCS 5/14.5(a)] requires the Illinois Environmental Protection Agency ("Agency") to *administer a certification system for sites which represent a minimal hazard with respect to contamination of groundwaters by potential primary or potential secondary sources* as defined in Sections 3.59 and 3.60 of the Act.

b) Section 14.5(a) of the Act requires the Agency to *develop and make available a minimal hazard certification form and guidelines for the use and management of containers and above ground tanks, and for the piling of waste.*

c) *When a certification has been provided with respect to which the Agency has made a finding of adequacy or has failed to act in a timely manner pursuant to* Section 670.205 of this Part, *the site shall not be subject to the provisions of subsection* (d) *of Section* 14.2 *or Section* 14.4 of the Act *and regulations adopted thereunder.* (Section 14.5(d) of the Act)

d) Section 14.5(b) of the Act requires that the owner of any site who applies for a certification of minimal hazard must demonstrate that the use and management of above ground tanks, containers, and waste piles are consistent with guidelines adopted by the Agency.

e) The rules set forth in this Part constitute the Agency's guidelines for the use and management of above ground tanks, containers, and waste piles pursuant to Section 14.5 of the Act.

Section 670.102 Definitions

The definitions of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 through 1056.6) [415 ILCS 5] and the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7451-7459) [415 ILCS 55] apply to this Part. The following definitions also apply to this Part.

"Above Ground Tank" is a tank located entirely off the ground so that all sides and the bottom may be visually inspected externally for integrity, or such that the bottom is in contact only with a relatively impermeable base.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2. pars. 1001 through 1056.6) [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

"Agrichemical facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to the other within a 30 day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closure" is the act of decontamination of affected areas at a facility or site.

"Container" means any portable device (including, but not limited to, 55 gallon drums) in which material is stored, treated, disposed of or otherwise handled. The term "container" does not include a vehicle used to transport material.

"Hazardous substance" means (A) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (B) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended, (C) any hazardous waste, (D) any toxic pollutant listed under Section 307(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (E) any hazardous air pollutant listed under Section 112 of the Clean Air Act (P.L. 95-95), as amended, (F) any imminently hazardous chemical substance or mixture with respect to which the administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liguids, liguified natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas. (Section 3.14 of the Act)

"IEMA" means the Illinois Emergency Management Agency.

"Ignitable Material" is a material which:

Is a liquid, other than an aqueous solution, containing less than 24 percent alcohol by volume and has a flash point less than 60 degrees celsius (140 degrees F), as determined by Pensky-Martens Closed Cup Tester, using the test method specified in the

American Society of Testing Materials (ASTM) Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78.

Is a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

Is an ignitable compressed gas as defined in 40 CFR 173.300 (1991) and as determined by the test methods described in that regulation.

Is an oxidizer as defined in 49 CFR 173.151 (1991).

"Incompatible Material" is a material for which the following is prohibited:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

"Petroleum" shall have the meaning ascribed to it in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). (Section 22.18(e)(1) of the Act)

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which:

Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

Is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

Stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances. (Section 3.59 of the Act)

"Potential Secondary Source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and

demolition debris; or

Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substance; or

Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

Stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act". (Section 3.60 of the Act)

"Reactive Material" is a material that:

Is normally unstable and readily undergoes violent change without detonating;

Reacts violently with water;

Forms potentially explosive mixtures with water;

When mixed with water, generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

Is capable of detonation of an explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

Is readily capable of detonation of explosive decomposition or reaction at standard temperature and pressure.

Is a forbidden explosive as defined in 40 CFR 173.51 (1991), or a Class A explosive as defined in 49 CFR 173.53 (1991) or a Class B explosive as defined in 40 CFR 173.88 (1991).

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes:

Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;

Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and

The normal application of fertilizer. (Section 3.33 of the Act)

"Special waste" means any industrial process waste, pollution control waste or hazardous waste, except as determined pursuant to Section 22.9 of this Act. "Special waste" also means any potentially infectious medical waste. (Section 3.33 of the Act)

"Tank" is a stationary device, designed to contain an accumulation of material, that is constructed of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. This does not include areas used to accumulate material prior to pumping to tanks or containers (i.e., sump pits) nor associated piping. "Tank" does not include vehicles used to transport material.

"Underground Tank" is a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Waste Pile" means piles of waste, other than special or hazardous waste, that could cause groundwater contamination.

Section 670.103 Compliance with the Act, Board Rules, and Permit Conditions

Containers, above ground tanks, and waste piles must be in compliance with the Act, Board rules, and all conditions contained in permits issued by the Agency.

Section 670.104 Conflicts with Board Rules

If any provision of this Part conflicts with any rule adopted by the Board under the Act, the Board rule shall control.

Section 670.105 Severability

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

Section 670.106 Agency Mailing Address

Each request, report, notice, or other document submitted to the Agency under this Part shall be mailed to the following address:

Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Section 670.107 Incorporations by Reference

The Agency incorporates the following materials by reference:

ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia PA 19103 (215)299-5400
"Standard Test Methods for Flash Point by Pensky-Martens Closed Tester" D93-85.

SUBPART B: MINIMAL HAZARD CERTIFICATION SYSTEM

Section 670.201 Applicability

This Subpart applies to the owner or operator of any new or existing potential primary or secondary source of contamination that is within the setback zone or any regulated recharge area of a potable water supply well.

Section 670.203 Minimal Hazard Certification Requirements

a) The owner or operator of any potential primary or secondary source identified in Section 670.201 may provide a certification to the Agency.
b) If the owner or operator of any potential primary or secondary source submits a certification pursuant to subsection (a), the owner or operator shall provide the certification in a form as prescribed by the Agency in Section 670.Appendix A, if and only if the following conditions are met:
   1) *No on-site landfilling, land treating, or surface impounding of waste, other than landscape waste or construction and demolition debris, has taken place and such circumstance will continue;*
   2) *No on-site piles of special or hazardous waste are present and such circumstances will continue, and any piling of other wastes which could cause contamination of groundwater will be consistent with guidelines developed by the Agency;*
   3) *No underground storage tanks are present on the site and such circumstances will continue;*
   4) *Use and management of containers and above ground tanks will be consistent with guidelines developed by the Agency;*
   5) *No on-site release of any hazardous substance or petroleum has taken place which was of sufficient magnitude to contaminate groundwaters;*
   6) *No more than 100 gallons of either pesticides or organic solvents, or 10,000 gallons of any hazardous substances, or 30,000 gallons of petroleum, will be present at any time; and*
   7) *Notice has been given to the owner of each community water supply well within 1,000 feet of the site.* (Section 14.5(b) of the Act)

Section 670.205 Agency Review and Confirmation of Certification

Upon receipt of a certification pursuant to Section 670.203, the Agency shall, within 90 days, take one of the following actions:

a) *Notify the owner of the site in writing that the certification is*

complete and adequate;

b) Notify the owner of the site in writing that the certification is not adequate, including a statement of the reasons therefor;

c) Notify the owner of the site in writing that a site inspection will be held within 120 days, and that following such inspection but still within the 120 day period further action will be taken pursuant to subsections (a) and (b) of this Section;

d) Notify in writing the owner of the site that pursuant to Section 17.1 of the Act a county or municipality is conducting a groundwater protection needs assessment or the Agency is conducting a well site survey which encompasses the site for which certification is being processed, and specify a time period, not to exceed a total of 180 days from the date of the notice, for consideration of the findings from such assessment or survey and by which further action will be taken pursuant to subsections (a) and (b) of this Section. (Section 14.5(c) of the Act)

Section 670.207 Certification Conditions

A certification is not adequate if it fails to address each of the conditions required to be met by Section 670.203, or if the Agency possesses information which reasonably suggests that any statement made in the certification is inaccurate or incomplete. Action under subsection 670.205(a) or (b) shall constitute a final determination of the Agency. (Section 14.5(c) of the Act)

Section 670.209 Finding of Certification Adequacy

a) When a certification has been provided with respect to which the Agency has made a finding of adequacy or has failed to act in a timely manner pursuant to Section 670.205 of this Subpart, the site shall not be subject to the provisions of subsection (d) of Section 14.2 or Section 14.4 of the Act and regulations adopted thereunder for the following time periods:

1) Three years, if the site is located within a minimum or maximum setback zone, during which time the owner must recertify to continue such status;

2) Five years, if the site is located within a regulated recharge area, during which time the owner must recertify to continue such status; or

3) 90 days past the time when a change of ownership takes place, during which time the new owner must recertify to continue such status. (Section 14.5(d) of the Act)

b) Except as provided in subsections (c) and (h) of Section 14.2 of the Act and Section 14.5 of the Act, no new potential route or potential primary source or potential secondary source may be placed within 400 feet of any existing or permitted community water supply well deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. The Agency notified the owner and operator of each well

which is afforded this setback protection and that was existing on the effective date of this provision and shall maintain a directory of all community water supply wells to which the 400 foot minimum setback zone applies. (Section 14.2(d) of the Act)

Section 670.211 Failure to Act

The site shall not be subject to the minimum setback zone requirements of any existing community water supply well for a period of one year, if the Agency has failed to act in a timely manner pursuant to Section 670.205, during which time the owner must recertify to continue such status. (Section 14.5(d) of the Act)

Section 670.213 Decertification

The owner of the site shall comply with the requirements in Section 670.203. Any failure by the owner to maintain such compliance shall be just cause for decertification by the Agency:

a) Such action may only be taken after the Agency has provided the owner with a written notice which identifies the noncompliance and specifies a 30 day period during which a written response may be provided by the owner.

b) The owner may respond within 30 days after receipt of an Agency notice of noncompliance with 35 Ill. Adm. Code 670. Such response may describe any actions taken by the owner which relate to the conditions of certification. (Section 14.5(e) of the Act)

c) The Agency shall review a response if any from the owner and shall determine whether the response is deficient or untimely. If such response is deficient or untimely, the Agency shall serve notice upon the owner that the site has been decertified and is subject to the applicable provisions of subsection (d) of Section 14.2 or Section 14.4 of the Act and regulations adopted thereunder.

d) If the response reviewed by the Agency is determined to be sufficient, the potential primary or secondary source shall remain certified for the period established in Section 670.207.

e) Such notification shall constitute a final determination of the Agency. (Section 14.5(e) of the Act)

Section 670.215 Certification Listing

The Agency shall maintain a master listing, indexed by county, of those sites for which certifications are in effect. Upon the establishment of a Regional Planning Committee pursuant to Section 17.2, the Agency shall provide a copy of the pertinent portions of such listing to such committee on a quarterly basis. The Agency shall also make copies of such listing available to units of local government and the public upon request. (Section 14.5(f) of the Act)

Section 670.217 County or Municipality Agreements

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The Agency may enter into a written delegation agreement with any county or municipality, which has adopted an ordinance consistent with Section 14.2 or 14.3 of the Act, to administer the provisions of this Section. Such delegation agreements shall require that the work to be performed thereunder shall be in accordance with criteria established by the Agency, be subject to periodic review by the Agency, and shall include such financial and program auditing by the Agency as may be necessary. (Section 14.5(g) of the Act)

SUBPART C: USE AND MANAGEMENT OF CONTAINERS

Section 670.301 Containers

a) Containment
Container storage areas regulated under this Part must have a containment system that is designed and operated as follows:
1) A base must underlay the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed.
2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
3) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), plus the capacity of the largest container, and the volume displaced by the bases of the other containers located within the secondary containment structure. Containers that do not contain free liquids need not be considered in this determination.
4) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100 percent of the capacity of the largest container, plus the volume displaced by the bases of the other containers.
5) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in subsection (3) above to contain any run-on which might enter the system.
6) Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

b) Detection and Recovery of Releases
1) Secondary containment systems must be:
A) Designed, installed and operated to prevent any migration of materials or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the containment system; and
B) Provide for detection and recovery of releases and

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accumulated liquids until the collected material is removed.
2) To meet the requirements of subsection (a), secondary containment systems must be at a minimum:
A) Constructed of or lined with materials that are compatible with the material(s) to be placed in the containment system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions and the stress of daily operation (including stresses from nearby vehicular traffic);
B) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift; and
C) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency that removal of the released material or accumulated precipitation cannot be accomplished within 24 hours.

c) Containment Runoff
1) Uncontaminated storm water runoff must be removed from the secondary containment area within 24 hours after a precipitation event.
2) Contaminated storm water runoff must be handled in accordance with 35 Ill. Adm. Code Subtitle C.

d) Special Requirements for Incompatible Materials
1) Incompatible materials must not be placed in the same container.
2) A storage container holding a material that is incompatible with any other materials stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

e) Condition of Container
If a container holding material is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the material from this container to a container that is in good condition.

f) Compatibility of Material With Container
The owner or operator must use containers made of or lined with materials which will not react with, and are otherwise compatible with, the material to be stored, so that the ability of the container to contain the material is not impaired.

g) Management of Containers

1) A container holding material must always be closed during storage, except when it is necessary to add or remove material.
2) A container holding material must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

h) Stacked Containers on Pallets
Containers must not be stacked more than two high on pallets.

i) Special Requirements for Ignitable or Reactive Material
Ignitable or reactive material must not be placed in containment systems unless:
1) The material is stored or treated in such a way that it is protected from any material or conditions which may cause the material to ignite or react; or
2) The container is used solely for emergencies.

j) Closure
At closure of a containment system, the owner or operator shall remove or decontaminate all residues, contaminated containment system components (liners, etc.), contaminated soils and structures and contaminated equipment.

SUBPART D: USE AND MANAGEMENT OF ABOVE GROUND TANKS

Section 670.401 Above Ground Tanks

a) Primary Containment
For a new above ground tank a minimum shell thickness shall be provided which ensures that the above ground tank will not fail (leak, collapse, rupture, or otherwise rendered incapable of retaining the material).

b) Secondary Containment
1) Above ground tank storage areas at agrichemical facilities must have a secondary containment system that is designed and operated according to an Illinois Department of Agriculture permit (8 Ill. Adm. Code 255) and the endorsement by the Agency (authorized by Section 39.4 of the Act and using the standards and criteria from Subtitles B, C, and F of this Title 35); or
2) Above ground tank storage areas for other potential sources regulated under this Part must have a secondary containment system that is designed and operated as follows:
A) A base must underlay the above ground tanks that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed;
B) The base must be sloped or the containment system must be otherwise designed and operated to provide for drainage and removal of liquids resulting from leaks, spills or precipitation, unless the above ground tanks are elevated or are otherwise protected from contact with accumulated liquids;

C) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), plus the capacity of the largest above ground tank, and the volume displaced by the bases of the other above ground tanks located within the secondary containment structure;
D) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100 percent of the capacity of the largest above ground tank, plus the volume displaced by the bases of the other above ground tanks;
E) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in subsection (b)(2)(C) to contain any run-on which might enter the system; and
F) Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

c) Detection and Recovery of Releases
1) Secondary containment systems must be:
A) Designed, installed and operated to prevent any migration of material or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the above ground tank system; and
B) Provide for detecting and collecting releases and accumulated liquids until the collected material is removed.
2) To meet the requirements of subsection (c), secondary containment systems must be, at a minimum:
A) Constructed of or lined with materials that are compatible with the material(s) to be placed in the above ground tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the material to which it is exposed, climatic conditions and the stress of daily operation (including stresses from nearby vehicular traffic);
B) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;
C) Sloped or otherwise designed or operated to allow drainage and removal of liquids resulting from leaks, spills or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary contaminant system within 24 hours, or in as timely a manner as is possible, to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency that removal of the released material or accumulated

precipitation cannot be accomplished within 24 hours.

d) Special Requirements for Incompatible Materials
   1) Incompatible materials, wastes, and materials must not be placed in the same above ground tank.
   2) An above ground tank holding a material that is incompatible with any other materials stored nearby in other above ground tanks, or other materials stored nearby in containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

e) General Operating Requirements
   1) Materials or treatment reagents must not be placed in an above ground tank system if they could cause the above ground tank, its ancillary equipment or the containment system, to rupture, leak, corrode or otherwise fail.
   2) The owner or operator shall use appropriate controls and practices to prevent spills and overflows from an above ground tank or above ground tank systems. These include, at a minimum:
      A) Spill prevention controls (e.g., check valves, dry disconnect couplings);
      B) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff or bypass to a standby above ground tank); and
      C) Maintenance of sufficient freeboard in uncovered above ground tanks to prevent overtopping by wave or wind action or by precipitation.

f) Special Requirements for Ignitable or Reactive Material
   Ignitable or reactive material must not be placed in above ground tank systems unless:
   1) The material is stored or treated in such a way that it is protected from any material or conditions which may cause the material to ignite or react; or
   2) The above ground tank is used solely for emergencies.

g) Closure
   At closure of an above ground tank system, the owner or operator shall remove or decontaminate all residues, contaminated containment system components (liners, etc.), contaminated soils and structures and contaminated equipment.

SUBPART E: USE AND MANAGEMENT OF WASTE PILES

Section 670.501 Waste Piles

a) Containment
   A waste pile (except for an existing portion of a waste pile) must have a liner that is designed, constructed and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may

be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be:
   1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;
   2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
   3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.

b) Management of Waste Piles
   The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation provided that:
   1) Liquids or materials containing free liquids are not placed in the pile;
   2) The pile is protected from surface water run-on by the structure or in some other manner;
   3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and
   4) The pile will not generate leachate through decomposition or other reaction.

c) Closure
   The owner or operator must remove or decontaminate all residues, contaminated containment system components (liners, etc), contaminated subsoils and structures and contaminated equipment.

1) Heading of the Part: Hospital Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 152

3) Section Numbers: Adopted Action:

152.100	New Section
152.150	New Section
152.200	New Section
152.250	New Section

4) Statutory Authority: Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V and VI and 5/12-13] and Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III]

5) Effective Date of Amendments: June 17, 1994

6) Does this rulemaking contain an automatic repeal date? Yes. Sections 152.100(k), 152.150(d), 152.200(c) and 152.250(g) contain an automatic repeal date of June 30, 1995.

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 17, 1994

9) Notice of Proposal Published in Illinois Register:

February 4, 1994 (18 Ill. Reg. 1677)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

Section 152.100(c) has been revised to read:

c) Uncompensated care payment adjustments, as described in 89 Ill. Adm. Code 148.150(h), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.150(h) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.150(g) and (h) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate uncompensated care payments for the period of July 1, 1993, through June 30, 1994, and the denominator of which

is the aggregate uncompensated care payments for the period of July 1, 1994, through June 30, 1995.

Section 152.100(d) has been revised to read:

d) Trauma center adjustments, as described in 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate trauma center adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate trauma center adjustments for the period of July 1, 1994, through June 30, 1995.

Section 152.100(e) has been revised to read:

e) Rehabilitation hospital adjustments, as described in 89 Ill. Adm. Code 148.290(d)(1), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate rehabilitation hospital adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate rehabilitation hospital adjustments for the period of July 1, 1994, through June 30, 1995.

Section 152.100(f) has been revised to read:

f) Perinatal center adjustments, as described in 89 Ill. Adm. Code 148.290(e)(1), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate perinatal center adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate perinatal center adjustments for the period of July 1, 1994, through June 30, 1995.

Section 152.100(g) has been revised to read:

g) Obstetrical care adjustments, as described in 89 Ill. Adm. Code 148.290(f)(1), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1994 through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1993 through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate obstetrical care adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate obstetrical care adjustments for the period of July 1, 1994, through June 30, 1995.

Section 152.100(h) has been revised to read:

h) Targeted access payment adjustments, as described in 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1994, through June 30, 1995 to the payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1993 through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate targeted access payment adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate targeted access payment adjustments for the period of July 1, 1994, through June 30, 1995.

Section 152.100(i) has been revised to read:

i) Targeted access payment adjustments, as calculated under subsection (h) above, for the period of October 1, 1994, through June 30, 1995, shall be further adjusted by a factor which will inversely adjust targeted access spending in an amount equal to the updates calculated under 89 Ill. Adm. Code 148.120(g)(2)(D) and 148.290(h)(2)(C). The factor shall be a fraction, the numerator of which is the amount equal to the updates calculated under 89 Ill. Adm. Code 148.120(g)(2)(D) and 148.290(h)(2)(C), and the denominator of which is the aggregate targeted access payment adjustments made under 89 Ill. Adm. Code 152.100(h) above during the period of July 1, 1994, through June 30, 1995.

Section 152.100(j) has been revised to read:

j) Medicaid high volume adjustments, as described in 89 Ill. Adm. Code 148.290(h)(2)(D), for the period of October 1, 1994, through June 30, 1995 shall be adjusted by a factor that will equalize aggregate payments made under subsection (h)(2)(D) during the period of July 1, 1994, through June 30, 1995, to the payments made under subsection (h)(2)(D) during the period of July 1, 1993 through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate Medicaid high volume adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate Medicaid high volume adjustments for the period of July 1, 1994, through June 30, 1995.

Section 152.200(b) has been revised to read:

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170 and 148.290(h)(2)(A) through (h)(2)(C), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

In Section 152.250(c)(3), after the sentence ending with "is also required," the following language has been added:

If consolidated financial statements are not available, then the individual audited financial statements from each of the related entities may be submitted separately. The Department will merge the information.

In Section 152.250(a), language in the first sentence reading, "within 30 days of the date" has been changed to read "within 30 days after the date."

In Section 152.250(d), in the sentence beginning with "In making such demonstration," the words "must show that" have been changed to read "must meet all of the following criteria."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking provides that reimbursement rates for hospital services in effect on January 18, 1994, be maintained through fiscal year 1995. These changes are necessary to permit the Department to purchase health care in a prudent and cost effective manner and to prevent excessive and unnecessary expenditures. In separate rulemaking, these changes were adopted on an emergency basis effective January 18, 1994.

Section 152.100 provides for the application of an adjustment factor to add-on payments to hospitals in order to maintain the spending at current

levels. Specifically, this adjustment will be applied to the following payments:

- Outpatient Indigent Volume Adjustments, as described in 89 Illinois Adm. Code 148.140(b)(5)(A) and (b)(5)(B).

- Uncompensated Care Payment Adjustments, as described in 89 Illinois Adm. Code 148.150(h).

- Trauma Center Adjustments, as described in 89 Illinois Adm. Code 148.290(c)(1), (c)(2), and (c)(3).

- Rehabilitation Hospital Adjustments, as described in 89 Illinois Adm. Code 148.290(d)(1).

- Perinatal Center Adjustments, as described in 89 Illinois Adm. Code 148.290(e)(1).

- Obstetrical Care Adjustments, as described in 89 Illinois Adm. Code 148.290(f)(1).

- Targeted Access Payment Adjustments, as described in 89 Illinois Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6).

- Targeted Access Payment Adjustments, as calculated under subsection (h) above, shall be further adjusted by a factor which will inversely adjust targeted access spending in an amount equal to the updates calculated under 89 Illinois Adm. Code 148.120(g)(2)(D) and 148.290(h)(2)(C).

- Medicaid High Volume Adjustments, as described in 89 Illinois Adm. Code 148.290(h)(2)(D).

Section 152.150 makes a number of changes in the reimbursement methodologies for hospitals which are reimbursed under the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS). For rate periods, as described in 89 Illinois Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment in effect for the base period, as described in 89 Illinois Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Illinois Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Illinois Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Illinois Adm. Code 149.150(c)(3). In addition, all payments calculated under 89 Illinois Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

Section 152.200 provides that all per diem payments calculated under 89 Illinois Adm. Code 148, except for those described in 89 Illinois Adm. Code 148.160 and 148.170, in effect on January 18, 1994, remain in effect until June 30, 1995.

Section 152.250 provides an appeal mechanism for any hospital that believes that it may face significant financial hardships by continuing to provide services under the rate changes implemented under Sections 152.100, 152.150 and 152.200. These provisions outline the information that must be provided by the hospital to initiate an appeal and the basis on which the Department will determine whether additional reimbursement should be provided to the hospital.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Rules begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section
152.100 Reimbursement Add-on Adjustments
152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V and VI and 5/12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. _____, effective June 17, 1994.

Section 152.100 Reimbursement Add-on Adjustments

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.

b) Outpatient indigent volume adjustments, as described in 89 Ill. Adm. Code 148.140(b)(5)(A) and (b)(5)(B), as calculated for rate year 1994, shall remain in effect through fiscal year 1995. Hospitals not qualifying in rate year 1994 (October 1, 1993, through September 30, 1994) must submit the data described in 89 Ill. Adm. Code 148.150 in order to qualify in rate year 1995 (October 1, 1994, through September 30, 1995).

c) Uncompensated care payment adjustments, as described in 89 Ill. Adm. Code 148.150(h), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.150(h) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.150(g) and (h) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate uncompensated care payments for the period of July 1, 1993, through June 30, 1994, and the denominator of which

Section 152.100(c) (continued)

is the aggregate uncompensated care payments for the period of July 1, 1994, through June 30, 1995.

d) Trauma center adjustments, as described in 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate trauma center adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate trauma center adjustments for the period of July 1, 1994, through June 30, 1995.

e) Rehabilitation hospital adjustments, as described in 89 Ill. Adm. Code 148.290(d)(1), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate rehabilitation hospital adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate rehabilitation hospital adjustments for the period of July 1, 1994, through June 30, 1995.

f) Perinatal center adjustments, as described in 89 Ill. Adm. Code 148.290(e)(1), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate perinatal center adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate perinatal center adjustments for the period of July 1, 1994, through June 30, 1995.

g) Obstetrical care adjustments, as described in 89 Ill. Adm. Code 148.290(f)(1), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1994, through June 30, 1995 to the payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1993,

Section 152.100(g) (continued)

through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate obstetrical care adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate obstetrical care adjustments for the period of July 1, 1994, through June 30, 1995.

h) Targeted access payment adjustments, as described in 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate targeted access payment adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate targeted acces payment adjustments for the period of July 1, 1994, through June 30, 1995.

i) Targeted access payment adjustments, as calculated under subsection (h) above, for the period of October 1, 1994, through June 30, 1995, shall be further adjusted by a factor which will inversely adjust targeted access spending in an amount equal to the updates calculated under 89 Ill. Adm. Code 148.120(g)(2)(D) and 148.290(h)(2)(C). The factor shall be a fraction, the numerator of which is the amount equal to the updates calculated under 89 Ill. Adm. Code 148.120(g)(2)(D) and 148.290(h)(2)(C), and the denominator of which is the aggregate targeted access payment adjustments made under 89 Ill. Adm. Code 152.100(h) above during the period of July 1, 1994, through June 30, 1995.

j) Medicaid high volume adjustments, as described in 89 Ill. Adm. Code 148.290(h)(2)(D), for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(h)(2)(D) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(h)(2)(D) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction, the numerator of which is the aggregate Medicaid high volume adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate Medicaid high volume adjustments for the period of July 1, 1994, through June 30, 1995.

k) This Section shall be automatically repealed effective June 30, 1995.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes in rule described in this Section will be effective January 18, 1994.

b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

d) This Section shall be automatically repealed effective June 30, 1995.

Section 152.200 Non-DRG Reimbursement Methodologies

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170 and 148.290(h)(2)(A) through (h)(2)(C), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

c) This Section shall be automatically repealed effective June 30, 1995.

Section 152.250 Appeals

a) Right to appeal. Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department within 30 days after the date of the letter notifying the hospital of its prospective rate. The written request must contain the information as specified in subsection (c) below. The Department

Section 152.250(a) (continued)

shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.

b) Non-appealable issue. The October 1, 1993, rates and reimbursement systems used to calculate the rates are not appealable.

c) Appeal documentation.

1) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written declaration, and under penalties of perjury, that the signing officer has personally examined the documentation and that the information is true, correct, and complete.

2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.

3) The hospital must submit a copy of its last two financial statements audited by an external, independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external, independent certified public account is also required. If consolidated financial statements are not available, then the individual audited financial statements from each of the related entities may be submitted separately. The Department will merge the information.

d) Appeal Process. In no event shall financial relief be awarded, unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must meet all of the following criteria:

Section 152.250(d) (continued)

1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.

2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospitals. Reasonable access exists if most individuals served by the hospital seeking financial relief can receive inpatient hospital care within a 30 minute travel time at a total cost which is less to the Department than the costs which would be incurred at the hospital seeking financial relief.

3) The ratio of current assets to current liabilities reflected on the cash position statement described in subsection (c)(2) above is less than 1.0.

4) The financial statements described in subsection (c)(3) above must reflect a net loss in each of the two years.

5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than 1.3.

e) Financial relief. If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.

f) Definitions. For purposes of this Section, unless the context requires otherwise:

1) "Current assets" must follow Generally Accepted Accounting Principles, except for this purpose all unrestricted investments must be included as current assets.

2) "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.

Section 152.250(f) (continued)

3) "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.

4) "Ratio of current assets to current liabilities" means current assets divided by current liabilites, as defined above.

5) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis.

g) This Section shall be automatically repealed effective June 30, 1995.

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Number: Adopted Action:

153.100 New Section

4) Statutory Authority: Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V and VI and 5/12-13] and Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III]

5) Effective Date of Amendments: June 17, 1994

6) Does this rulemaking contain an automatic repeal date? Yes. Section 152.100(1) contains an automatic repeal date of June 30, 1995.

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 17, 1994

9) Notice of Proposal Published in Illinois Register:

February 4, 1994 (18 Ill. Reg. 1686)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

In subsection (h), the end of the first sentence has been revised to read, "...within 180 days after the last IOC, need not be met."

In subsection (k), the word "state" has been changed to "State."

There are no other differences between the proposal and the final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking provides that reimbursement rates for long term care services, including rates for nursing facilities, facilities for persons with developmental disabilities and developmental training providers, will remain at the levels in effect on January 18, 1994. Exceptions are detailed in the rules. In separate rulemaking, these changes were adopted on an emergency basis effective January 18, 1994. The rules will expire June 30, 1995.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Rules begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V and VI and 5/12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. ____, effective June 17, 1994.

Section 153.100 Reimbursement for Long Term Care Services

a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.

b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.

c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.

d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).

e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

Section 153.100 (continued)

f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).

g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).

h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC, need not be met. The written request must contain documentation supporting the change in Medicaid census.

i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.

j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.

k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.

l) This Section shall be automatically repealed effective June 30, 1995.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Control of Communicable Diseases Code

2) Code Citation:

77 Ill. Adm. Code 690

3)

Section Numbers:	Proposed Action:
690.100	Amendment
690.110	New Section
690.200	Amendment
690.300	Amendment
690.310	Amendment
690.320	Amendment
690.325	New Section
690.330	Amendment
690.350	Amendment
690.360	Amendment
690.365	New Section
690.370	Amendment
690.390	Amendment
690.400	Amendment
690.410	Amendment
690.420	Amendment
690.450	Amendment
690.460	Amendment
690.470	Amendment
690.475	Amendment
690.480	Amendment
690.490	Amendment
690.495	New Section
690.505	Amendment
690.510	Amendment
690.530	Amendment
690.540	Repealer
690.560	Amendment
690.570	Amendment
690.590	Amendment
690.600	Amendment
690.610	Amendment
690.630	Amendment

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

690.640	Amendment
690.650	Amendment
690.660	Amendment
690.670	Amendment
690.695	Amendment
690.710	Amendment
690.725	New Section
690.730	Amendment
690.900	Amendment
690.1000	Amendment
690.1010	Amendment
690.1200	Amendment
690.1210	Repealer
Exhibit A	Repealer

4) Statutory Authority:

The Infant Eye Disease Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4701 et seq.) [410 ILCS 215]

The Communicable Disease Report Act (Ill. Rev. Stat. 1991, ch. 126, par. 21) [745 ILCS 45]

The Department of Public Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 21 et seq.) [20 ILCS 2305]

5) Effective Date of Rules:

July 15, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes___ No X

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes X No___

If "yes," please specify type: 6.02(a) X or 6 02(b)__

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes__ No__

8) Date Filed in Agency's Principal Office:

July 15, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

February 4, 1994 - 18 Ill. Reg. 1690

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes__ No X

If "yes," please complete the following:

A) Statement of Objection: _____, ___ Ill. Reg. _____ Not Applicable

B) Agency Response: _____, ___ Ill. Reg. _____ Not Applicable

C) Date Agency Response Submitted for Approval to the Joint Committee:

Not Applicable

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

Section 690.300 was amended to require testing household contacts of amebiasis cases who are employed as food handlers or in sensitive occupations. Contacts tested positive for the organism that causes amebiasis will be restricted from their occupations according to requirements for amebiasis cases.

Section 690.310 was amended to limit the reference to dogs and cats to unvaccinated dogs and cats.

Section 690.310 was amended to allow dog owners to maintain their dogs on their fenced property as well as on a leash.

Section 690.350 was amended to limit the reference to contacts to susceptible contacts.

Section 690.360 was amended to require cholera cases to be tested negative for the organism that causes cholera before returning to food handling or sensitive occupations.

Section 690.370 was amended by replacing the term "infant" with "neonate" and by defining a neonate as an infant 28 days of age or younger.

Section 690.420 was amended to require testing household contacts of giardiasis cases who are employed as food handlers or in sensitive occupations. Contacts tested positive for the organism that causes giardiasis will be restricted from their occupations according to requirements for giardiasis cases.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 690.450 was amended to delete reference to blood as a source of the hepatitis A virus.

Section 690.450 was amended to recommend immune globulin for all contacts of hepatitis A cases and food handling contacts who work with food handling hepatitis A cases.

Section 690.530 was amended to exempt certain households from a recommendation for chemoprophylaxis of contacts to Haemophilus influenzae type b disease. Exempted households are those where all children under four years of age are fully immunized against this disease.

Section 690.600 was amended to require a private hospital room for cases of human rabies.

Section 690.730 was amended to allow typhoid fever cases to begin submitting release specimens 48 hours after discontinuation of antibiotics.

Section 690.900 was amended by changing the definition of "quarantine" to conform with the definition published by the American Public Health Association.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Section 690.450(e)(4) was amended to correctly label the subsections as (e)(4)(A) and (B) instead of (e)(4)(1) and (2).

Section 690.570 was amended to clarify the interval patients with pneumonic plague are required to remain in isolation.

Section 690.710 was amended to replace the word "infective" with "contaminated".

Section 690.1000(b)(1) was amended to correct an accidential omission that occurred during the last adoption. The following was added as underscored language to make a complete sentence: "jurisdiction over the area in which the contacts reside when such quarantine is required for these specific diseases: diphtheria (Section 690.380), plague (Section 690.570), smallpox (Section 690.650), and typus (Section 690.740)."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

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The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes__ No X

14) Are there any other Amendments Pending on this Part? Yes__ No X

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
Not Applicable		

15) Summary and Purpose of Rules:

The "Control of Communicable Diseases Code" specifies which communicable diseases are required to be reported by health care providers and others, and describes control measures for each of those diseases. This rulemaking (1) amends control requirements for 33 communicable diseases, (2) adds blastomycosis, cryptosporidiosis, listeriosis, and tularemia to the list of diseases required to be reported, (3) identifies organisms isolated from patients for eight diseases that laboratories are required to forward to the Illinois Department of Public Health laboratory for specialized typing, (4) reduces employment restrictions for health care providers who are cases or contacts to several diseases and who use universal precautions while administering patient care, and (5) requires pregnant women to be tested for hepatitis B in order to allow for protection of newborn infants whose mothers are hepatitis B carriers.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section
690.100 Diseases and Conditions
690.110 Diseases Repealed From This Part

SUBPART B: REPORTING

Section
690.200 Reporting

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

Section
690.290 Acquired Immunodeficiency Syndrome (AIDS) ~~(Reportable By Mail or By Telephone)~~ (Repealed)
690.300 Amebiasis (Reportable by mail or telephone as soon as possible, within 7 days)
690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days)
690.320 Anthrax (Reportable by telephone as soon as possible, within 24 hours)
690.325 Blastomycosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.330 Brucellosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.340 Chancroid (Repealed)
690.350 Chickenpox (Reportable by mail or telephone as soon as possible, within 7 days)
690.360 Cholera (Reportable by telephone as soon as possible, within 24 hours)
690.365 Cryptosporidiosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)
690.380 Diphtheria (Reportable by telephone as soon as possible)
690.390 Encephalitis (Reportable by mail or telephone as soon as possible, within 7 days)
690.400 ~~Enteropathogenic E.~~ *Escherichia coli* Infections Due to Serotype O157:H7, Including Complications Such As Hemolytic Uremic Syndrome ~~(Under 3 years of age)~~ (Reportable by mail or telephone as soon as possible, within 7 days)
690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)
690.420 Giardiasis (Reportable by mail or telephone as soon as possible, within 7 days)
690.430 Gonorrhea (Repealed)
690.440 Granuloma Inguinale (Repealed)

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690.450 Hepatitis, Viral (Hepatitis A, Hepatitis B (Cases and Carriers), non-A/non-B hepatitis, Hepatitis Unspecified (Reportable by mail or telephone as soon as possible, within 7 days))
690.460 Histoplasmosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days)
690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail or telephone as soon as possible, within 7 days)
690.480 Leprosy (Hansen's Disease) (~~Infectious~~ infectious and ~~non/infectious~~ non-infectious cases ~~of leprosy~~ are reportable) (Reportable by mail or telephone as soon as possible, within 7 days)
690.490 Leptospirosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.495 Listeriosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
690.505 Lyme Disease (Reportable by mail or telephone as soon as possible, within 7 days)
690.510 Malaria (Reportable by mail or telephone as soon as possible, within 7 days)
690.520 Measles
690.530 Meningitis and Other Invasive Disease Due to *Neisseria meningitidis* or *Haemophilus influenzae* (Reportable by telephone as soon as possible, within 24 hours), Meningitis Due to Other Bacteria, Fungi and Protozoa, and Aseptic Meningitis (Reportable by mail or telephone as soon as possible, within 7 days)
690.540 Meningococcemia (Reportable by telephone as soon as possible) (Repealed)
690.550 Mumps
690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days)
690.570 Plague (Reportable by telephone as soon as possible, within 24 hours)
690.580 Poliomyelitis (reportable by telephone as soon as possible)
690.590 Psittacosis (Ornithosis) (Reportable by mail or telephone as soon as possible, within 7 days)
690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)
690.610 Rocky Mountain Spotted Fever (Reportable by mail or telephone as soon as possible, within 7 days)
690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome)
690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail or telephone as soon as possible, within 7 days)
690.640 Shigellosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.650 Smallpox (Reportable by telephone as soon as possible, within 24 hours)
690.660 Staphylococcal Infections Occurring ~~Within A Health Care Institution, or with Onset Less than Thirty Days Following Discharge~~ In Infants Under 28 Days of Age Within a Health Care Institution or With Onset After Discharge (Reportable by mail or telephone as soon as possible, within 7 days)
690.670 Streptococcal Infections ~~(Including Complications)~~ (due to Group A streptococci, including pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever and invasive disease) (Reportable by mail or telephone as soon as possible, within 7 days)
690.680 Syphilis (Repealed)
690.690 Tetanus
690.695 Toxic Shock Syndrome (Reportable by mail or telephone as soon as possible, within 7

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days)
690.700 Trachoma
690.710 Trichinosis (Trichinellosis) (Reportable by mail or telephone as soon as possible, within 7 days)
690.720 Tuberculosis
690.725 Tularemia (Reportable by mail or telephone as soon as possible, within 7 days)
690.730 Typhoid Fever (Reportable by telephone as soon possible, within 24 hours)
690.740 Typhus (Reportable by telephone as soon as possible)
690.750 Whooping Cough (Pertussis)

SUBPART D: DEFINITIONS

Section
690.900 Definition of Terms

SUBPART E: GENERAL PROCEDURES

Section
690.1000 General Procedures for the Control of Communicable Diseases
690.1010 Incorporated Materials

SUBPART F: SEXUALLY TRANSMITTED DISEASES (Repealed)

Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM COMMUNICABLE DISEASES

Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing ~~"AN ACT for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this act" (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4701 et seq.); and Section 1 of "AN ACT in relation to communicable disease reports" (Ill. Rev. Stat. 1989, ch. 126, par. 21, and implementing and authorized by "AN ACT in relation to public health" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 21 et seq.).~~ the Infant Eye Disease Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4701 et seq.) [410 ILCS 215] and the Communicable Disease Report Act (Ill. Rev. Stat. 1991, ch. 126, par. 21) [745 ILCS 45], and implementing and authorized by the Department of Public Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 21 et seq.) [20 ILCS 2305].

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SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. _____, effective ~~JUL 1 5 1994~~.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

NOTE: ITALICIZATION DENOTES THE SCIENTIFIC NAMES OF MICROORGANISMS

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section 690.100 Diseases and Conditions

The following are declared to be contagious, infectious, communicable and dangerous to the public health and each suspected or diagnosed case shall be reported to the local health authority which shall subsequently report each case to the Illinois Department of Public Health. This listing includes those diseases and conditions reportable because of classification as communicable or sexually transmitted. Communicable diseases and conditions are reportable under this Part (77 Ill. Adm. Code 690) and ~~Sexually Transmissible Diseases~~ sexually transmissible diseases and conditions are reportable under ~~Part 693~~ the "Control of Sexually Transmissible Diseases Code"~~.~~ (77 Ill. Adm. Code 693). (See Subpart B, Section 690.200)

a) Class 1

~~The following diseases are reportable by telephone as soon as possible and within 24 hours of notification.~~ The following diseases shall be reported as soon as possible, but within 24 hours, to the local health authorities, which shall then report to the Department as soon as possible, but within 24 hours. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable. This interval applies to primary reporters identified in Section 690.200(a)(l) who are required to report to local health authorities and to local health authorities who are required to report to the Department.

1)	Anthrax	690.320
2)	Cholera	690.360
3)	Diarrhea of the newborn*	690.370
4)	Diphtheria	690.380

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5)	Foodborne or waterborne illness	690.410
6)	Measles	690.520
7)	Meningitis and other invasive disease (due to *Neisseria meningitidis* or *Haemophilus influenzae*	690.530(a)
~~8)~~	~~Meningococcemia~~	~~690.540~~
~~9~~8)	Plague	690.5~~60~~70
~~10~~9)	Poliomyelitis	690.5~~70~~80
~~11~~10)	Rabies, human	690.~~590~~600
~~12~~11)	Smallpox	690.~~640~~50
~~13~~12)	Typhoid fever	690.7~~20~~30
~~14~~13)	Typhus	690.7~~30~~40
~~15~~14)	Whooping ~~Cough (Pertussis)~~ cough (pertussis)	690.7~~40~~50

~~*Telephone report required if 2 or more cases the same nursery within 48 hour period.~~

b) Class II

~~The following diseases are reportable by mail or by telephone within 7 days of diagnosis.~~ The following diseases shall be reported as soon as possible, but within 7 days, to the local health authority which shall then report to the Department within 7 days. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable.

1)	Acquired ~~Immunodeficiency Syndrome~~ immunodeficiency syndrome (AIDS)	693.20
~~2)~~	~~AIDS—Related Complex (Repealed)~~	
3~~2~~)	Amebiasis	690.300
4~~3~~)	Animal bites	690.310
4)	Blastomycosis	690.325
5)	Brucellosis	690.330
6)	Chlamydia	693.20
7)	Chickenpox	690.350
8)	Cryptosporidiosis	690.365
8~~9~~)	Encephalitis	690.390
9~~10~~)	~~Enteropathogenic~~ *Escherichia coli* infections due to serotype O157:H7*	690.400
~~10~~11)	Giardiasis	690.420
~~11~~12)	Gonorrhea	693.20
~~12~~13)	HIV ~~Infection~~ infection	693.20
~~13~~14)	Hepatitis, type A viral	690.450(a)
~~14~~15)	Hepatitis, type B viral (cases and carriers)*	690.450(b)
~~15~~16)	Hepatitis, delta	690.450(e)
~~16~~17)	Hepatitis, viral unspecified	690.450(c)

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~~17~~18)	Hepatitis, non-A~~,~~/non-B	690.450(d)
~~18~~19)	Histoplasmosis	690.460
~~19~~20)	Intestinal worms	690.470
	A) Tapeworms	690.470(a)
	B) Ascariasis	690.470(b)
~~20~~21)	Legionnaires' ~~Disease (Legionellosis)~~ disease (legionellosis)	690.475
~~21~~22)	Leprosy	690.480
~~22~~23)	Leptospirosis	690.490
24)	Listeriosis	690.495
~~23~~25)	Lyme ~~Disease~~ disease	690.505
~~24~~26)	Malaria*	690.510
~~25~~27)	Meningitis (due to bacteria, fungi or protozoa other than those listed ~~on~~ in Class I) and ~~Aseptic Meningitis~~ aseptic meningitis	690.4~~50~~530 (b) & (c)
~~26~~28)	Mumps	690.54~~0~~50
~~27~~29)	Ophthalmia neonatorum (gonococcal)	690.5~~50~~60
~~28~~30)	Psittacosis*	690.5~~80~~90
~~29~~31)	Rocky Mountain spotted fever	690.6~~00~~10
~~30~~32)	Rubella, including congenital rubella syndrome	690.6~~10~~20
~~31~~33)	Salmonellosis* (other than typhoid fever)	690.6~~20~~30
~~32~~34)	Shigellosis*	690.6~~30~~40
~~33~~35)	Staphylococcal infections occurring in infants under 28 days of age (within a health care institution~~,~~ or with onset after discharge)	690.6~~50~~60
~~34~~36)	Streptococcal infections (due to group A streptococci), including ~~complications~~ pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever, and invasive disease*	690.6~~60~~70
~~35~~37)	Syphilis	693.20
~~36~~38)	Tetanus	690.6~~80~~90
~~37~~39)	Toxic ~~Shock Syndrome~~ shock syndrome	690.695
~~38~~40)	Trachoma	690.~~690~~700
~~39~~41)	Trichinosis	690.7~~00~~10
~~40~~42)	Tuberculosis	690.7~~10~~20
43)	Tularemia	690.725

*Cases and carriers (when carriers are required to be reported) of these should be confirmed by appropriate laboratory tests before reporting.

c) The occurrence of any increase in incidence of disease of unknown or unusual etiology should be reported, with major signs and symptoms listed.

d) When an epidemic of a disease dangerous to the public health occurs, and present rules are not adequate for its control or prevention, more stringent ~~regulations~~ requirements shall be

issued by this Department.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.110 Diseases Repealed From This Part

The following diseases have been repealed from this set of regulations. Regulations governing reporting and control of these diseases are cited below.

a)	Acquired immunodeficiency syndrome (AIDS)	693.20
b)	AIDS related complex	Not Reportable
c)	Chancroid	Not Reportable
d)	Gonorrhea	693.20
e)	Granuloma inguinale	Not Reportable
f)	Lymphogranuloma venereum	Not Reportable
g)	Meningococcemia	690.530
h)	Syphilis	693.20

(Source: Added at 18 Ill. Reg. _____, effective JUL 1 5 1994)

SUBPART B: REPORTING

Section 690.200 Reporting

a) Reporting Entities and Manner of Reporting

I) It shall be the duty of each of the following persons or any other person having knowledge of a known or suspected case or carrier of communicable disease or communicable disease death, to report within the time frames set forth in Section 690.100 ~~at~~ of this Part (except for sexually transmissible diseases which are reportable under the "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) such case, suspected case, carrier or death:

A) Physicians,
B) Nurses,
C) Nurse ~~Aides,~~ aides,
D) Dentists,
E) Health ~~Care Practitioners,~~ care practitioners,
F) Laboratory ~~Personnel,~~ personnel,
G) School ~~Personnel,~~ personnel,
H) Parent,
I) Householder,
J) Day ~~Care Personnel.~~ care personnel.

2) Laboratories are required to report certain positive test results as specified in Subpart C of this Part.

~~2~~3) Such reports shall be by telephone or in writing (see Section 690.100) to the local health authority (see definition of, Section 690.900) in whose jurisdiction the reporter is located. Local health authorities receiving such reports shall notify the local health authority where the patient resides within 24 hours following notification for Class I diseases and within 7 days following notification for Class II diseases. The reporter shall cooperate in any case investigation conducted by health officials. If a known or suspected case or carrier of a reportable communicable disease is hospitalized or examined in a hospital or long-term care facility, it shall be the duty of the administrator of the ~~hospital or long-term care~~ health care facility to ensure ~~to report~~ the case is promptly reported to the local health authority.

b) Upon receipt of such report, the local health authority shall forward a written copy ~~of it~~ to the Illinois Department of Public Health according to time frames specified in Section 690.100.

c) The report to the Illinois Department of Public Health shall provide the following information: name, age, sex, race, ethnicity, ~~and~~ address of the case, and name of the attending physician. When ~~specified~~ requested on forms provided by the Department, clinical and laboratory findings in support of the diagnosis and epidemiological facts relevant to the source and possible hazard of transmission of the infection shall also be ~~provided~~ reported.

~~d) The health authority that receives the report of a patient who is living outside its jurisdiction, but who is hospitalized within its jurisdiction, shall notify the health authority where the patient resides.~~

ed) Confidentiality

I) It is the policy of the Illinois Department of Public Health to maintain the confidentiality of information that would identify individual patients. ~~Immunity of medical practitioners and other persons from suit for slander or libel is contained in "AN ACT in relation to communicable disease reports" (Ill. Rev. Stat. 1987, ch. 126, par. 21).~~

2) WHENEVER ANY STATUTE OF THIS STATE OR ANY ORDINANCE OR RESOLUTION OF A MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION ENACTED PURSUANT TO STATUTE OR ANY RULE OF AN ADMINISTRATIVE AGENCY ADOPTED PURSUANT TO STATUTE REQUIRES MEDICAL PRACTITIONERS OR OTHER PERSONS TO REPORT CASES OF COMMUNICABLE DISEASES, INCLUDING VENEREAL DISEASES, TO ANY GOVERNMENTAL AGENCY OR OFFICER, SUCH

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REPORTS SHALL BE CONFIDENTIAL, AND ANY MEDICAL PRACTITIONER OR OTHER PERSON MAKING SUCH REPORT IN GOOD FAITH SHALL BE IMMUNE FROM SUIT FOR SLANDER OR LIBEL BASED UPON ANY STATEMENTS CONTAINED IN SUCH REPORT. THE IDENTITY OF ANY INDIVIDUAL CONTAINED IN A REPORT OF COMMUNICABLE DISEASE, VENEREAL DISEASE OR FOOD-BORNE ILLNESS OR AN INVESTIGATION CONDUCTED PURSUANT TO A REPORT OF A COMMUNICABLE DISEASE, VENEREAL DISEASE OR FOOD-BORNE ILLNESS SHALL BE CONFIDENTIAL AND SUCH IDENTITY SHALL NOT BE DISCLOSED PUBLICLY IN ANY ACTION OF ANY KIND IN ANY COURT OR BEFORE ANY TRIBUNAL, BOARD OR AGENCY. (Communicable Disease Report Act, Ill. Rev. Stat. 1991, ch. 126, par. 20) [745 ILCS 45]

~~f~~e) Section 8-2101 of the Code of Civil Procedure explains the confidential character of reports obtained for research projects (Ill. Rev. Stat. ~~1987~~ 1991, ch. 110, par. 8-2101) [735 ILCS 5]. The Illinois Department of Public Health, and other agencies specified in this Section, may collect certain information and require reporting of certain diseases and conditions for research projects. The law provides for confidentiality of such reports, prohibits disclosure of all data so obtained except that necessary for the purpose of the specific study, and provides that such data shall not be admissible as evidence, and that the furnishing of such information in the course of a research project shall not subject any informant to any action for damages.

~~g~~f) When the Director determines that morbidity and mortality from a certain disease warrants study, he may declare such disease to be the subject of a medical research project and require hospitals, physicians, etc., to submit such information, data and reports as are necessary for the purpose of the specific study. Such data so obtained shall be held confidential in accordance with Section 8-2101 of the Code of Civil Procedure ~~(Ill. Rev. Stat. 1987, ch. 110, par. 8-2101)~~.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

Section 690.290 Acquired Immunodeficiency Syndrome (AIDS) ~~(Reportable By Mail or By Telephone)~~ (Repealed)

(Source: Repealed at 12 Ill. Reg. 10045, effective May 27, 1988)

Section 690.300 Amebiasis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - Variable, from a few days to several months or years; commonly 2 to 4 weeks.

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b) Control of Case and Carrier

1) Isolation is ~~not~~ required~~.~~ for patients while they are in health care facilities. (See enteric precautions or disease-specific precautions in Section 690.1010(a)(1))

2) ~~Food handling is prohibited by cases or carriers~~ Cases or carriers who are food handlers or in sensitive occupations shall not return to their usual occupations until three consecutive stool specimens, taken not less than 24 hours ~~one week~~ apart, are negative for trophozoites and cysts of *Entamoeba histolytica*. If antimicrobial treatment was given, specimens must be collected at least 24 hours after treatment was discontinued.

3) Concurrent disinfection of feces and articles contaminated with feces is required; ~~unless~~ disposal of excreta ~~is~~ by sanitary sewer is appropriate; hand washing is required after defecation. (See Section 690.1000(e)(~~i~~1))

4) Instruction of convalescent and chronic carriers in personal hygiene, particularly as to sanitary disposal of fecal waste and hand washing after use of toilet.

c) Control of Contacts. ~~There are no restrictions on contacts.~~ Household contacts who are employed as food handlers or in sensitive occupations shall be tested for cysts and trophozoites of *Entamoeba histolytica*. If positive, their occupations shall be restricted according to subsection (b)(2) of this Section.

~~No restrictions.~~

d) Sale of Food, Milk, etc. (See Section 690.1000(f))

e) General Measures

1) Sanitary disposal of human feces.

2) Safeguarding of water supplies.

A) Protect potable water supplies against fecal contamination.

B) Boil drinking water where necessary.

C) Chlorination is inadequate for destruction of cysts.

D) Filtration by a municipal system or by some selected portable units is the only effective treatment other than boiling.

3) Supervision of the general cleanliness and the personal health and sanitary practices

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of persons preparing and serving food in public eating places, especially moist foods eaten raw.

4) Education in personal cleanliness, particularly washing hands with soap and water after evacuation of the bowels. Supervision of persons incompetent in personal hygiene.

~~5) Control of fly breeding and protection of foods against fly contamination.~~

~~6~~5) Avoidance of cross connections between public and private auxiliary water supplies and of back-flow connections in plumbing systems.

~~7) Adequate treatment of patients and sub-clinical cases when discovered, with a view to eradication of the parasite.~~

6) Laboratories are required to report to the local health authority all patients from whom *Entamoeba histolytica* trophozoites or cysts have been identified.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days)

a) Reports. Every instance in which a person has been bitten by an animal, or in which there is reason to suspect that the wet saliva has come in direct contact with fresh, open or raw pre-existent abrasions or mucous membranes shall be reported on cards ~~such as are employed~~ that are used for reporting communicable diseases.

b) Investigations. All known instances of animal exposures described above are to be investigated promptly by the local health authority to determine whether or not antirabies treatment of the exposed person shall be recommended. (See ~~Subsection~~ subsection (d) ~~below~~ of this Section, "Rationale of Treatment".)

c) Local Treatment of Bites

1) Immediate and thorough local treatment of all bite wounds and scratches is ~~perhaps~~ the most effective means of preventing rabies. ~~Experimentally, the~~ The incidence of rabies in animals can be markedly reduced by local therapy alone. First-aid treatment should be carried out immediately by flushing the bite wound thoroughly with soap and water.

2) Under the direction of a physician, the wound should be thoroughly flushed with soap solution. ~~Quaternary ammonium compounds, such as Zephiran (benzyl ammonium chloride), may also be used.~~ Tetanus prophylaxis and measures to control bacterial infection should be initiated as indicated.

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d) Rationale of Treatment

Every exposure to possible rabies infection must be individually evaluated. In the United States, the following factors should be considered before specific antirabies treatment is initiated:

1) Species of biting animal - Carnivorous animals (especially skunks, foxes, coyotes, raccoons, unvaccinated dogs and unvaccinated cats) and bats are more likely to be infected than other animals. Bites of rabbits, squirrels, chipmunks, rats, and mice seldom, if ever, call for rabies prophylaxis.

2) Circumstances of biting incident - An unprovoked attack is more likely to mean that the animal is rabid. (Bites during attempts to feed or handle an apparently healthy animal should generally be regarded as provoked.)

3) Type of exposure - Rabies is transmitted by inoculation of infectious saliva through the skin or mucous membranes;~~.~~ ~~Thus~~ thus, the likelihood that rabies infection will result from exposure to a rabid animal varies with the nature and extent of the exposure. ~~(Immediate treatment is indicated on bites of the upper extremities and head, and on deep or extensive lacerations regardless of location, until the health status of the animal is determined.)~~

4) Vaccination status of biting animal - A ~~properly~~ currently immunized animal has only a minimal chance of developing rabies and transmitting the virus.

5) Presence of rabies in region

A) If adequate laboratory and field records indicate that there is no rabies infection in a domestic species within a given region, local health officials are justified in considering this in recommendations on antirabies treatment following a bite by that particular species.

B) ~~Prohylaxis~~ Prophylaxis is discussed more fully in ~~"Recommendation of the Public Health Service Advisory Committee on Immunization Practices—Rabies Prophylaxis"~~ "Rabies Prevention-United States, 1991, Recommendations of the Immunization Practices Advisory Committee" available from the Department. (See Section 690.1010(a)(12))

e) Control of Biting Animals. See ~~"Illinois Animal Control Act" (Ill. Rev. Stat. 1981, ch. 8 par. 35)~~ the Animal Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 35) [510 ILCS 5].

f) General Measures

1) A healthy ~~domestic animal~~ pet dog or cat that bites a person should be confined and

observed by a veterinarian for 10 days from the date of the bite. Dogs which ~~were~~ had been legally vaccinated at the time of the bite may usually be confined at home. Any illness in the biting animal should be reported immediately to the local health ~~department~~ authority and evaluated by a veterinarian. Early signs of rabies in wild animals cannot be interpreted reliably; therefore, any such animal that bites or scratches a person should be killed at once (without unnecessary damage to the head) and the hrain examined for evidence of rahies.

2) Educate the public in the necessity of complying with restrictions on dogs and other pets, of having them vaccinated, of seeking immediate medical attention for a bite or wound inflicted by an animal, and of confining the biting animal. The prompt reporting of bites to the local health authority is also very important.

3) It should be required that all dogs in congested areas be kept on a leash at all times when not confined to their owner's fenced property or ~~in their owner's~~ home. Ownerless dogs should be disposed of by ~~public authority~~ local animal control units.

4) Preventive vaccination of dogs in accordance with the ~~"Illinois Animal Control Act" (Ill. Rev. Stat. 1981, ch. 8, pars. 351 et seq.)~~ Animal Control Act is required.

5) Close cooperation should he estahlished between the ~~health department~~ local health authority and the county animal control administrator.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.320 Anthrax (Reportahle by telephone as soon as possible, within 24 hours)

a) Incubation Period - ~~Within 7 days, usually 2 to 5.~~ 2 to 7 days; most cases occur within 48 hours following exposure.

b) Control of Case

1) Isolation is required until lesions have healed. (See drainage/secretion precautions or disease-specific precautions in Section 690.1010 (a)(1))

2) Concurrent disinfection of discharges from lesions is required. Spores can be killed only by special measures such as steam under pressure~~,~~ or incineration (only in facilities approved for the disposal of hazardous biological agents)~~, 5% cresol or 10% solution of formaldehyde or formalin~~.

3) Terminal cleaning ~~with the above agents~~ (see Section 690.1010(a)(1)) is required.

c) Control of Contacts. No restrictions if patient is ~~promperly~~ properly isolated.

d) General Measures

1) A search should be made for history of exposure to infected animals or animal products and trace to place of origin.

~~1~~2) Individuals should avoid contact with animal hide and hair products imported from anthrax endemic countries.

~~2~~3) Animals suspected of being ill with anthrax should be isolated immediately in the care of a veterinarian and the presence of this disease in animals should be reported to the Illinois Department of Agriculture. Post-mortem examination of animals should be made only hy a veterinarian or in the presence of one.

~~3~~4) Milk from an infected animal should not be used.

~~4~~5) Effluents and trade wastes, and areas of land polluted by such effluents and wastes, from factories or premises where spore-infected hides or other infected hide and hair products are known to have been worked up into manufactured articles should be controlled and disinfected.

~~5~~6) Special instruction should be given to all employees handling raw hides in regard to the necessity of personal cleanliness. Every employee handling raw hides, hair, or bristles who has an ahrasion of the skin should report immediately to a physician.

~~6~~7) Tanneries and woolen mills should be equipped with proper ventilating apparatus so that dust ~~is~~ can be promptly removed before reaching the respiratory tract of humans.

8) Laboratories are required to report to the local health authority all patients from whom *Bacillus anthracis* has heen isolated.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.325 Blastomycosis (Reportahle hy mail or telephone as soon as possihle, within 7 days)

a) Incubation Period - Indefinite; prohahly a few weeks or less, to months.

b) Control of Case

1) Isolation is not required.

2) Concurrent disinfection of sputum and discharges, and articles contaminated with sputum or discharges is required. (See Section 690.1000(e)(1)(A) through (E))

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3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. There are no restrictions on contacts.

d) General Measures. Laboratories are required to report to the local health authority patients from whom *Blastomyces dermatitidis* is cultured.

(Source: Added at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.330 Brucellosis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - Highly variable and difficult to ascertain: usually 5 to ~~21~~ 60 days, occasionally several months.

b) Control of Case

1) Isolation is ~~not~~ required~~.~~ if draining lesions are present; otherwise isolation is not required. (See drainage/secretion precautions or disease-specific precautions in Section 690.1010(a)(1))

2) Concurrent disinfection of body discharges is required. (See Section 690.1000(e)(1))

c) Control of Contacts. ~~No restrictions.~~ There are no restrictions on contacts.

d) General Measures

1) Pasteurization of milk and milk products, whether from cows or goats.

2) Search for infection among livestock and elimination of infected animals from the herd.

3) Education of the public, and particularly workers in slaughter houses, packing houses and butcher shops, as to the nature of the disease, the mode of transmission, and the danger of handling carcasses or products of infected animals.

4) Travelers abroad ~~are~~ should be advised ~~to exercise caution~~ against the ingestion of unpasteurized dairy products, including cheese.

5) Laboratories are required to report to the local health authority all patients from whom *Brucella* species are isolated and all patients with positive serologic tests for *Brucella*.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

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Section 690.350 Chickenpox (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - From 2 to 3 weeks; commonly 13 to 17 days. The incubation period may be up to 4 weeks if immune globulin has been administered.

b) Control of Case

1) ~~isolation is required~~ Children shall be excluded from school for not less than ~~six~~ five days after the appearance of eruption or until vesicles become dry. In a health care facility, strict isolation (see Section 690.1010(a)(1)) is required until all lesions are crusted.

2) Concurrent disinfection is required of articles soiled by discharges from the nose, ~~and~~ throat and ~~from~~ lesions. (See Section ~~690.1100(e)(1))~~ 690.1000(e)(1))

c) Control of Contacts

No restrictions~~, except investigation under suspicion of smallpox or of secondary syphilis, especially in adults~~ except that susceptible contacts in a health care facility should be quarantined, as necessary, until the incubation period has elapsed to prevent exposure of immunocompromised patients.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.360 Cholera (Reportable by telephone as soon as possible, within 24 hours)

a) Incubation Period - From a few hours to 5 days, usually 2 to 3 days.

b) Control of Case

1) Isolation is required until diarrhea ceases. See enteric precautions or disease-specific precautions in Section 690.1010(a)(1). Cases who are food handlers or work in sensitive occupations shall not return to their occupations until three consecutive specimens of feces, collected at least 24 hours after cessation of antibiotics and at least 24 hours apart, are found to be negative for *Vibrio cholerae*. ~~three consecutive specimens of feces, beginning at last 7 days after cessation of antibiotics and taken not less than twenty four hours apart, are examined by one of the laboratories of the Illinois Department of Public Health and found to be negative for cholera. Negative results are not reliable on specimens older than 6 hours unless submitted in an approved transport medium.~~

2) Concurrent disinfection of feces, vomitus, and linens and other articles used by patients is required. Hand washing is required after defecation. (See Section ~~690.1100(e)(1))~~ 690.1000(e)(1))

3) Terminal cleaning is required. (See Section ~~690.1100(e)(2))~~ 690.1000(e)(2))

c) Control of Contacts. Observation of contacts is required during the period of household exposure and for five days after last exposure ~~is ended~~. Contacts who are food handlers or in sensitive occupations and who have diarrhea shall not return to their occupations until diarrhea ceases. ~~should break contact with the case and should not return to their job duties until two successive stool cultures, taken not less than twenty four hours apart, are examined by one of the laboratories of the Illinois Department of Public Health and found to be negative for cholera.~~

d) Sale of Food, Milk, etc. (See Section ~~690.1100(f)~~ 690.1000(f))

e) General Measures

~~Immunization against cholera may be required when traveling in endemic or epidemic areas.~~

1) The local health authority should educate the public about safe choices of food and drink when traveling to developing countries.

2) The local health authority should educate the public that raw seafood should not be brought home from developing countries.

3) Laboratories are required to report to the local health authority all patients from whom *Vibrio cholerae* has been isolated.

4) Laboratories are required to forward *Vibrio cholerae* isolates to the Illinois Department of Public Health laboratory for serotyping and toxin testing.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.365 Cryptosporidiosis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period. The incubation period is not precisely known. The usual range is one to 12 days with an average of approximately 7 days.

b) Control of Case

1) Enteric precautions, or disease-specific precautions are required. (See Section 690.1010(a)(1))

2) Cases with diarrhea may not be employed as food handlers or in sensitive occupations until diarrhea ceases.

3) Concurrent disinfection of feces and articles soiled with feces is required. Hand washing after defecation is required. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts

1) Household contacts and others in close contact with the case who have diarrhea should be tested for *Cryptosporidium*.

2) Contacts with diarrhea shall not be employed as food handlers or in sensitive occupations while they have diarrhea.

d) General Measures

1) Provide education to the public about personal hygiene.

2) Provide education to the public about avoiding contact with calves and other animals with diarrhea.

3) Filtration should be included in the treatment of public water supplies.

4) Laboratories are required to report to the local health authority patients from whom *Cryptosporidium* species has been identified.

(Source: Added at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)

a) Incubation Period - 12 to 72 hours.

b) Definition

1) Any hospitalized ~~infant~~ neonate (infant 28 days of age or younger) having four or more loose or watery or otherwise pathological stools in twenty-four hours, with or without weight loss, anorexia, and listlessness shall be considered to have diarrhea of the newborn. Such ~~infant~~ neonates shall be isolated immediately pending determination of the etiology of the diarrhea.

2) The occurrence in a maternity department of two or more cases of diarrhea of the newborn shall be considered epidemic diarrhea. A single case of diarrhea with a proven contagious etiological agent shall be considered epidemic diarrhea.

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c) Control of Case

1) Isolation is required pending determination of the etiology of the diarrhea. See enteric precautions or disease-specific precautions in Section 690.1010(a)(1). The infected infant shall immediately be removed form the hospital nursery to isolation quarters and ~~there~~ he cared for by separate nursing staff, skilled in isolation techniques, the members of which do not come in contact with other infants or children. ~~Other precautions as specified in the latest edition of the manual entitled "Isolation Techniques of Use in Hospitals", U.S. Department of Health, Education and Welfare, Public Health Service, should be followed.~~

2) Immediate culture and examination of feces for specific bacterial and viral agents, and microscopic examination for protozoa and helminths, as indicated by the patient's clinical presentation, are required when the etiology is unknown. ~~Fluorescent antibody tests are becoming more useful. If E. coli is the predominant organism, a culture of mixed pickings should be held on an agar slant for two weeks pending the occurrence of other cases. If or when a second case occurs, E. coli cultures from both cases should be serotyped and if positive submitted to the Illinois Department of Public Health Laboratory.~~

3) Concurrent disinfection, with sanitary disposal of feces, is required. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

d) Control of Contacts to Epidemic Diarrhea

1) When only one case of diarrhea of the newborn has occurred, and the baby's mother has tested positive for the same organism causing illness in the baby, testing is required only of other babies that were in the nursery at the same time as the infected baby.

2) When multiple cases of diarrhea of the newborn have occurred, or when the source of the infected baby is most likely another infant or staff member:

~~1~~A) Immediately close the involved nursery to new admissions.

~~2~~B) Any infant transferred from the involved nursery to another part of the hospital or to another health care institution must be placed in ~~isolation~~ enteric precautions or disease-specific precautions (see Section 690.1010(a)(1).

~~3~~C) Reduce the census in the involved nursery by discharge as rapidly as possible.

~~4~~D) All exposed infants in the involved nursery shall be cared for by a separate

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nursing staff skilled in isolation techniques. Particular emphasis should be placed on hand washing between contacts with infants.

~~5~~E) No new admissions may be made to the involved maternity department. A separate maternity section may be established for new maternity admissions upon approval by the Illinois Department of Public Health.

~~6~~F) Bacteriologic ~~and~~ or microscopic examination of stools, according to clinical indication, is required of all ~~sick~~ ill and exposed infants, mothers, attending physicians and maternity and nursery service personnel. Those persons found to harbor the suspected organisms or parasites shall be excluded from maternity, nursery and pediatric service until released by the Illinois Department of Public Health. Personnel who use universal precautions (see Section 690.1010(a)(2)) while caring for patients shall not necessarily be restricted from their occupations if they do not have diarrhea (see rules in this Part specific to each etiologic agent). Health care workers shall be restricted from their occupations if they fail to submit required specimens within one week after notification. This occupational restriction shall terminate when required specimens are submitted, dependent upon the provisions of rules specific to each etiologic agent.

~~7~~G) Investigation shall be made of all infants discharged from the hospital in the period two weeks prior to the onset of the initial case to determine if additional cases have occurred.

~~8~~H) Maternity service may be renewed in the involved maternity section only after discharge of all contact infants and mothers and after ~~thorough cleansing, and where possible, sterilizing of the nursery, maternity wards and equipment.~~ terminal cleaning has been completed (see Section 690.1000(e)(2).

~~e) Sale of Food, Milk, etc.~~

~~See Section 690.1000(f).~~

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.390 Encephalitis (Reportable by mail or telephone as soon as possible, within 7 days)

Each case of encephalitis, whether acute, sub-acute or chronic, should be reported at the time diagnosis is suspected and appropriate measures for an etiological diagnosis should ~~be begun if possible~~ begin.

a) Primary Infectious Type

1) Incubation Period - Usually 5 to 15 days for primary infectious types.

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2) Control of Case

A) Isolation is not required unless required for etiologic agent. Patient should be protected from contact with biting or sucking insects.

B) Concurrent disinfection if dependent upon etiologic agent.

3) General Measures

Control measures will depend upon prompt reporting to the local health authority, and accurate etiologic diagnosis.

b) Post-infectious Type (specify pre-existing ~~condition~~ infection)

1) Incubation Period - Occurs during course of, or following, specific infectious disease (e.g., measles, mumps, etc.) leading to the condition.

2) Control of Case

A) Isolation is dependent upon primary disease.

B) Concurrent disinfection is dependent upon primary disease.

C) Terminal cleaning is dependent upon primary disease.

3) Control of Contacts. There are no restrictions on contacts.

~~No restrictions.~~

c) Post-vaccinal Type (specify antigens responsible)

1) Incubation Period - Uncertain, between 9th and 13th days in most instances.

2) Control of Case and Contacts. No restrictions on case or contacts.

d) General Measures

1) Laboratories are required to report to the local health authority, encephalitis cases from whom a virus was cultured and patients with significant arbovirus antibody test results. Criteria for significance should be determined by each laboratory.

2) Laboratories are required to submit virus isolates from encephalitis patients to the Illinois Department of Public Health for typing.

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3) When cases occur during summer months, efforts should be made to obtain acute and convalescent serum specimens for arbovirus antibody testing.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.400 ~~Enteropathogenic E.~~ *Escherichia coli* Infections Due to Serotype O157:H7, Including Complications Such As Hemolytic Uremic Syndrome ~~(Under 3 years of age)~~ (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - ~~12 to 72 hours.~~ Up to 7 days, commonly 3 to 4 days.

b) Control of Case

1) Isolation is required until clinical recovery. See enteric precautions or disease-specific precautions in Section 690.1010(a)(1). Cases shall not work as food handlers or in sensitive occupations when diarrhea is present.

2) Concurrent disinfection of feces and articles soiled with feces is required. Hand washing is required after defecation. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. ~~(when 2 or more cases occur)~~ There are no restrictions on contacts.

~~1) The involved nursery and/or pediatrics department shall be closed immediately to new admissions.~~

~~2) All exposed children in the involved nursery and/or pediatrics department shall be cared for by a separate nursing staff skilled in isolation technique.~~

~~3) Investigation shall be made of all children discharged from the hospital in the period two weeks prior to the onset of the initially reported case.~~

~~4) Bacteriologic examination of stools or rectal swabs should be obtained on all hospital attendants of the patient and other close contacts or patients. Hospital attendants found to harbor the suspected organisms shall be excluded from nursery and pediatric service until released by the Illinois Department of Public Health. (See Release Specimens, Section 690.1000(h))~~

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

e) General Measures

1) The local health authority should educate the public about the need to thoroughly

cook ground meat prior to ingestion.

2) The local health authority should educate the public that milk should be pasteurized before ingestion.

3) Protect public water supplies from contamination by sewage and animal waste.

4) Laboratories are required to submit *E. coli* isolates that are sorbitol-negative to the Illinois Department of Public Health laboratory for serotyping.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)

~~a) Samples, history and submissions of Food Samples.~~

~~1) Samples of food (at least 100 grams, if possible) suspected of being the source of foodborne illness should be obtained by the local health authority and kept refrigerated until received for examination in a laboratory acceptable to the Illinois Department of Public Health.~~

~~2) A brief history will be helpful to the laboratory stating:~~

~~A) the interval (incubation period) between consumption of the food and first appearance of illness;~~

~~B) nature of symptoms;~~

~~C) number of persons showing symptoms;~~

~~D) list of foods served;~~

~~E) any other information considered significant.~~

~~3) The submission of food specimens to the laboratory should be discouraged when no significant public health service is served thereby.~~

a) Definition of Foodborne or Waterborne Illness: Foodborne and waterborne illnesses are caused by many different bacterial, viral, parasitic and chemical etiologic agents. Foodborne or waterborne illnesses usually produce gastrointestinal symptoms, but uncommon forms of foodborne or waterborne illness produce other symptoms. "Diseases Transmitted by Foods", Centers for Disease Control and Prevention, 1982 (Section 690.1010(a)(8)) lists most known causes of foodborne and waterborne disease. All causes

of foodborne or waterborne illness listed in this publication are required to be reported.

b) Investigation of Cases and Outbreaks

1) All suspected or confirmed cases of foodborne or waterborne illness shall be investigated by the local health authority.

2) Investigation of outbreaks shall conform to the following:

A) A central log should be maintained of all incoming complaints related to illness suspected to be due to ingestion of food or water. The log should be reviewed at the time of each new entry to determine if there is a pattern of illness suggesting a public health threat.

B) When an outbreak is suspected, a small number of ill persons (approximately 10) with symptoms typical of the syndrome (or with diagnostic laboratory results) should be interviewed for foods and drinks ingested for the 72 hours prior to the onset of symptoms. Case histories should include:

i) Date and time of onset of each person's illness.

ii) A comprehensive list of signs and symptoms of each ill person. The presence or absence of each sign and symptom should be noted on the interview form as well as the duration of each sign and symptom.

iii All foods and drinks ingested (and their sources) during the 72 hours prior to onset of illness.

C) A hypothesis should be established regarding a suspect common source when histories indicate a majority of ill persons attended one or more common events or were exposed to a potential common source, and became ill with similar symptoms at approximately the same interval after exposure.

D) A questionnaire should be constructed for collecting information specific to each outbreak using restaurant menus, the list of foods and drinks served at a suspect function, etc. When using menus, include information about foods served with each menu item, appetizers, condiments available at the table, condiments ordered from the kitchen (sour cream, butter, etc.), type of salad dressing, ice ingestion, and all other choices available to diners. The questionnaire should require all interview subjects to answer specifically whether each item was ingested.

E) Case histories should be obtained from all ill persons and well persons, when possible. Interview each adult directly, not through a spouse or other

household member. Children should be interviewed with the assistance of an adult. Interviewing in person or by telephone is preferred to mailed questionnaires. When available, the number of well persons interviewed should be approximately the same as the number of ill persons interviewed.

3) Specimens should be collected from a representative sample of cases, when practical, and tested to confirm the etiologic agent responsible for the outbreak.

4) Samples of implicated foods should be collected and tested, when practical, to identify the vehicle responsible for the outbreak.

5) A final report summarizing the findings of the investigation shall be prepared by the local health authority using "Investigation of a Foodborne Outbreak", form number CDC 52.13, Rev. 9-89. This form is available from the Department.

~~b) Botulism~~

~~1) Incubation Period—Symptoms usually appear within 12 to 36 hours, sometimes several days after eating contaminated food. In general, the shorter the incubation period, the more severe the disease and the higher the case fatality rate.~~

~~2) Control of Case~~

~~No restrictions.~~

~~3) Specimens~~

~~A) Food specimens should be collected as outlined above at the discretion of the local health authority.~~

~~B) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of blood and stool specimens.~~

~~4) General Measures~~

~~A) Educate housewives and others concerned with preservation of foods in the essentials of safe processing as to time, pressure and temperature factors.~~

~~B) Frozen foods should be kept frozen until immediately before preparation for eating. Vacuum film packed foods should be kept at a temperature below 45°F. (7°C.).~~

~~c) Chemical Foods Intoxications~~

~~1) Incubation Period—Ten minutes to several hours.~~

~~2) Control of Case.~~

~~No restrictions.~~

~~3) Specimens~~

~~A) Food specimens should be collected as outlined above at the discretion of the local health authority.~~

~~B) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of blood, urine and gastric specimens.~~

~~4) General Measures~~

~~A) Meticulous reading of labels on packaged foods.~~

~~B) Avoidance of repackaging of any toxic substance from original package to one labeled for food.~~

~~C) Destroy non labeled packages.~~

~~D) Commercial establishments, hospitals, hotels, institutions, markets, etc. should not shelve packages of toxic substances in the same locality as foods.~~

~~d) Clostridium perfringens (C. welchii)~~

~~1) Incubation Period—From 8 to 22 hours, usually 10 to 12 hours.~~

~~2) Control of Case~~

~~No restrictions.~~

~~3) Specimens~~

~~A) Food specimens should be collected as outlined above at the discretion of the local health authority.~~

~~B) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of stool specimens from cases. Human carriers are seldom an important source of C. perfringens.~~

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~~C) In the event samples of the epidemiologically incriminated food are unavailable for analysis, stool specimens should be obtained from well persons associated with the outbreak who were not exposed to the epidemiologically incriminated food item(s).~~

~~4) General Measures~~

~~Only pressure cooking will eliminate heat-resistant spores; control depends upon prevention of proliferation of the organism in food.~~

~~A) Keep foods at temperatures below 45°F. (7°C.) or above 140°F. (60°C.) after preparation.~~

~~B) Chill cooked foods rapidly in small quantities; reheat leftover foods to an internal temperature of at least 165°F. (149°C.).~~

~~C) Educate food handlers of the risks inherent in the preparation of large quantities of food, especially meat dishes.~~

~~e) Salmonellosis - See Section 690.620.~~

~~f) Shigellosis - See Section 690.630.~~

~~g) Staphylococcal Intoxication~~

~~1) Incubation Period - Interval between eating food and onset of symptoms is 1 to 6 hours, usually 2 to 4 hours.~~

~~2) Control of Case~~
~~No restrictions.~~

~~3) Specimens~~

~~A) Food samples should be collected as outlined above at the discretion of the local health authority.~~

~~B) When the incubation period is suggestive of staphylococcal intoxication, nasal swabs, as well as swabs of any pyogenic skin lesions, of food handlers should be cultured for staphylococci.~~

~~C) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of specimens of laboratory examination.~~

~~4) Sale of Food, Milk, etc.~~

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~~See Section 690.1000(f)~~

~~5) General measures~~

~~A) Temporary exclusion of persons from handling food if they have pyogenic skin infections, especially of the hands.~~

~~B) Foods should be kept at temperatures below 45°F. (7°C.) or above 140°F. (60°C.) during display and service.~~

c) Sale of Food, Milk, etc. (See Section 690.1000(f))

d) General Measures

1) Persons with diarrhea shall not work as food handlers and must abide by restrictions on food handlers specified in this Part, specific to each etiologic agent.

2) Persons with pyogenic skin infections shall not work as food handlers.

3) Potentially hazardous foods shall be kept at temperatures below 45 degrees F (7 degrees C) or above 140 degrees F (60 degrees C),as appropriate, during display and service.

4) When outbreaks of foodborne or waterborne disease occur in commercial food establishments, food handlers in the establishment where the outbreak occurred are considered to be contacts to cases and shall be subject to this Part, specific to each etiologic agent.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.420 Giardiasis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - Variable~~.~~, ~~In experimental infections, incubation periods range from 6 to 22~~ 5 to 25 days, sometimes longer. ~~In a waterborne epidemic in the United States, clinical illnesses occurred 1 to 4 weeks after exposure.~~

b) Control of Case and Carrier

1) Isolation is required until clinical recovery (i.e. absence of fever and diarrhea). See enteric precautions or disease-specific precautions in Section 690.1010(a)(1).

2) Cases or carriers who are food handlers or in sensitive occupations are prohibited from performing their job duties until three consecutive stool specimens, taken not less than 48 hours apart and at least 24 hours after discontinuation of an

antimicrobial agent, are negative for trophozoites and cysts of *Giardia lamblia*. ~~Individuals licensed or registered by the State of Illinois to provide health care services are exempted from this restriction unless they provide care for children less than one year of age, patients with a chronic weakness of bodily functions or organs due to disease or aging, or patients who suffer from a deficiency in the basic immune system.~~ Health care workers who use universal precautions (see Section 690.1010(a)(2)) and who do not have diarrhea are not required to cease their occupations, but must submit release specimens as described above. Health care workers shall be restricted from their occupations if they do not comply with submission of release specimens within two weeks after notification. This occupational restriction will terminate when specimens are submitted.

3) Concurrent disinfection of feces and articles soiled with feces is required unless disposal of excreta is by sanitary sewer; hand washing after defecation is mandatory. (See Section 690.1000(e)(1))

4) Instruction of convalescent and chronic carriers in personal hygiene, particularly as to sanitary disposal of fecal waste and hand washing after use of toilet.

c) Control of Contacts. Three specimens of feces shall be collected from household contacts who work as food handlers or in sensitive occupations and shall be examined for cysts and trophozoites of *Giardia lamblia*. Those found to be positive will have their occupations restricted according to subsection (b)(2) of this Section.

~~No restrictions.~~

d) Sale of Food, Milk, etc. (See Section 690.1000(f))~~.~~

e) General Measures

1) Sanitary disposal of human feces.

2) Safeguarding of water supplies:

A) Protect potable water supplies against fecal contamination

B) Boil drinking water where necessary

C) Chlorination appears inadequate for destruction of cysts

D) Filtration by a municipal system or by some selected portable units is the only effective treatment other than boiling

E) Avoidance of cross connections between public and private auxiliary water

supplies and of back-flow connections in plumbing systems.

3) Supervision of the general cleanliness and the personal health and sanitary practices of persons preparing and serving food in public eating places, especially moist foods eaten raw.

4) Education and personal cleanliness, particularly washing hands with soap and water after evacuation of the bowels. Supervision of persons incompetent in personal hygiene.

~~5) Control of fly breeding and protection of foods against fly contamination.~~

~~6~~5) Maintain high ~~High~~ index of suspicion in travelers returning from endemic areas.

~~7) Adequate treatment of patients.~~

6) Laboratories are required to report to the local health authority patients in whom *Giardia lamblia* trophozoites or cysts are found.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.450 Hepatitis, Viral (Hepatitis A, Hepatitis B (Cases and Carriers), non-A/non-B hepatitis, Hepatitis Unspecified (Reportable by mail or telephone as soon as possible, within 7 days))

a) Hepatitis A

1) Incubation Period - Dose related; from 15 to 50 days, average 28 to 30 days.

2) Control of Case

A) Enteric precautions or disease-specific precautions (See Section 690.1010(a)(1)) are required until two weeks after onset of initial symptoms or one week after onset of jaundice. Patients shall not work as food handlers or in sensitive occupations during the period when infection control precautions apply. ~~The blood from a case is infectious for a variable period of time.~~

B) Concurrent disinfection of feces is required ~~of feces~~. Hand washing is required after defecation. (See Section 690.1000(e)(1))~~.~~

C) Terminal cleaning is not required.

3) Control of Contacts

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A) No restrictions. Quarantine is not indicated.

B) Passive immunization of contacts, including household contacts, who have been exposed in such a manner to allow for transmission of hepatitis A virus should be started as early as possible with immune ~~serum~~ globulin, 0.01 ml. per lb. (0.02/kg.) body weight. Immune globulin should also be administered to food handlers who have worked with a hepatitis A case who was a food handler. Given intramuscularly within two weeks after exposure, this has been found effective in protection against hepatitis A with jaundice for 6 to 8 weeks.

4) Sale of Food, Milk, Etc. (See Section 690.1000(f))~~.~~

5) General Measures

~~A) Patients with a history of hepatitis A should not be used as blood donors.~~

~~B~~A) ~~Educate the~~ The local health authority should educate the public ~~toward~~ about good sanitation and personal hygiene, with special emphasis on hand washing and sanitary disposal of feces.

B) The local health authority should educate food handlers about hand washing. Managers of restaurants and other food services should supervise the hand washing of food handlers.

C) Travelers to highly endemic areas may be given prophylactic doses of immune ~~serum~~ globulin.

D) Laboratories are required to report to the local health authority patients who have been found positive for IgM-specific antibodies to the hepatitis A virus (anti-HAV IgM).

E) Local health authorities should educate the public that oysters, clams and other shellfish from contaminated areas should be thoroughly cooked before ingestion.

h) Hepatitis B (Cases and Carriers)

1) Incubation Period (for cases) - usually 45 to 180 days, average 60 to 90 days; variation may in part be related to size of inoculum.

2) Control of Cases and Carriers

A) Use universal precautions, blood ~~Blood~~ and body fluid precautions, or

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disease-specific precautions (See Section 690.1010(a)(1)) for body fluids and items exposed to body fluids ~~are required~~ until disappearance of hepatitis B surface antigen (HBsAg) and appearance of hepatitis B surface antibody (anti-HBs) by serologic testing.

B) Concurrent disinfection is required of equipment contaminated with blood, saliva and semen. (See Section 690.1000(e)(1))~~.~~

C) Terminal cleaning is not required.

3) Control of Contacts

A) No restrictions. Quarantine is not indicated.

B) A person ~~exposed~~ who is a contact to cases ~~and~~ or carriers of hepatitis B should be tested for susceptibility to hepatitis B virus and given prophylaxis as recommended by the Immunization Practices Advisory Committee (ACIP), U.S. Public Health Service, Centers for Disease Control, in the publication ~~"Recommendations for Protection Against Viral Hepatitis"~~ "Protection Against Viral Hepatitis" (see Section 690.1010(a)(3)) and "Hepatitis B Virus: A Comprehensive Strategy for Eliminating Transmission in the United States Through Universal Childhood Vaccination". (See Section 690.1010(a)(10))~~.~~

C) Infants ~~born to women known to be currently infected with the hepatitis B virus~~ should be given prophylaxis according to recommendations contained in the publications cited in subsection (b)(3)(B) ~~above~~ of this Section.

4) General Measures

A) Pregnant women shall be tested for HBsAg during an early prenatal visit, or when they present to a hospital for delivery if prenatal serologic results are not available.

B) Laboratories are required to report to the local health authority patients tested positive for HBsAg or IgM antibodies to hepatitis B core antibody.

C) Patients with a history of hepatitis B or a positive hepatitis B surface antigen test must never be blood donors.

D) Health care providers shall refer pregnant women who are hepatitis B surface antigen positive to a local health authority for counseling and recommendations on testing and immunizing contacts within seven days after report of the test result.

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E) The "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 690.1010(a)(9)) shall be followed.

c) Hepatitis, viral unspecified

1) Control measures should be designed according to the etiology indicated by the epidemiological evidence.

2) Sale of Food, Milk, etc. (See Section 690.1000(f))~~.~~

d) Hepatitis, non-A~~,~~/non-B

1) Incubation Period - 15-64 days for A-like non-A/non-B hepatitis and 2 weeks to 6 months for B-like non-A/non-B hepatitis. The usual is 26-42 days for the former, and 6 to 9 weeks for the latter.

2) Control of Case

A) For A-like non-A/non-B hepatitis, ~~Enteric Precautions~~ enteric precautions or disease-specific precautions (~~See~~ see Section 690.1010(a)(1)) are required during the first two weeks of illness or during the first week after onset of jaundice. For B-like non-A/non-B hepatitis, blood and body fluid precautions or disease-specific precautions (~~See~~ see Section 690.1010(a)(1)) are required for the duration of illness.

B) Concurrent disinfection is required of equipment contaminated with blood, saliva, semen, feces, and urine. (See Section 690.1000 (e)(1))

3) Control of Contacts

A) No restrictions. Quarantine is not indicated.

B) Immunization of contacts is not indicated. No vaccines exist for non-A/non-B hepatitis, and the value of commercially available immunoglobulins has not been established.

4) General Measures

A) Patients with a history of hepatitis non-A/non-B should not be blood donors.

B) Cases should be investigated to determine source of infection. ~~When two or more cases of hepatitis non-A non-B occur in association with a common source, the investigation should include a search for additional cases.~~

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e) Delta hepatitis

1) Incubation Period - Approximately 2-10 weeks for experimental infections in chimpanzees; not firmly established in man.

2) Control of Case

A) Blood and body fluid precautions or disease-specific precautions (~~See~~ see Section 690.1010 (a)(1)) are required until disappearance of HBsAg and appearance of anti-HBs by serologic testing.

B) Concurrent disinfection is required of equipment contaminated with blood, saliva and semen. (See Section 690.1000(e)(1))~~.~~

3) Control of Contacts

A) No restrictions. Quarantine is not indicated.

B) A person exposed to cases and carriers of delta hepatitis should be given prophylaxis as recommended by the Immunization Practices Advisory Committee (ACIP), U.S. Public Health Service, Centers for Disease Control in the publication ~~"Recommendations for Protection Against Viral Hepatitis."~~ "Protection Against Viral Hepatitis" (see Section 690.1010(a)(3)).

C) Infants born to women known to be currently infected with the delta hepatitis agent should be given prophylaxis according to recommendations contained in the publication cited in subsection (e)(3)(B) ~~above~~ of this Section.

4) General Measures

A) Patients with a history of delta hepatitis or whose blood has been tested positive for exposure to the delta agent must never be blood donors.

B) Laboratories are required to report to the local health authority patients with delta hepatitis IgM antibodies.

f) General measures for Hepatitis are found in the ~~See~~ "Joint Advisory Notice~~,~~" Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987. (See Section 690.1010(a)(3))~~.~~

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.460 Histoplasmosis (Reportable by mail or telephone as soon as possible, within 7 days)

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a) Incubation Period - In reported epidemics, symptoms appear within 5 to 18 days after exposure, commonly 10 days.

b) Control of Case

1) Isolation is not required.

2) Concurrent disinfection of ~~discharges from skin lesions,~~ sputum and articles soiled ~~therewith~~ with sputum is required. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. There are no restrictions on contacts.

~~No restrictions.~~

d) General Measures

1) Investigate household contacts who have systemic symptoms.

2) Minimize exposure to dust and soil ~~about~~ around chicken coops and areas heavily contaminated with bird droppings. Control dust in enclosed areas by spraying with water ~~soluble disinfectant~~ or oil. Wear mask in handling contaminated dusts and soils.

3) Three applications of 3% formaldehyde to known contaminated areas at the rate of 1/3 gal. per square foot per application will destroy the spores.

4) Laboratories are required to report to the local health authority patients from whom *Histoplasma capsulatum* has been cultured. Laboratories are also required to report to the local health authority patients with a significant (criteria for significance should be determined by each laboratory) positive histoplasma antibody test result.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days)

a) Tapeworms (Taeniasis) Beef or Pork Tapeworms

1) Incubation Period - From 8 to 14 weeks.

2) Control of Case

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A) Isolation is not required, but patients with *T. solium* ~~should~~ shall be excluded from food handling until negative for *T. solium* eggs.

B) Concurrent disinfection~~:~~ is required by sanitary disposal of feces. For *T. solium*, rigid sanitation with washing of hands after defecation and before eating.

C) Terminal cleaning is not required.

3) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

4) Sale of Food, Milk, etc. (See Section 690.1000(f))~~.~~

5) General Measures

A) Avoid ingestion of raw or undercooked pork or beef.

B) Educate the public not to contaminate soil with feces in rural areas. Deny hogs access to latrines or human feces. Cook all garbage before feeding to hogs.

C) Avoid use of sewage for pasture irrigation.

h) Ascariasis

1) Incubation Period - Worms reach maturity about 2 months after embryonated eggs are ingested by man.

2) Control of Case

A) Isolation is not required.

B) Concurrent disinfection is required by sanitary disposal of feces.

C) Terminal cleaning is not required.

3) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

4) Sale of Food, Milk, etc. (See Section 690.1000(f))~~.~~

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5) General Measures~~.~~

A) Proper disposal of feces and prevention of soil contamination near houses and in play areas of children.

B) Proper construction of rural privies to prevent scattering of ova through overflow.

C) Educate all persons, especially children, in ~~hygiene of toilet and~~ proper hand washing practices.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - 2 to 10 days, most often 5 to 6 days. With the Pontiac Fever form - 5 to 66 hours, most often 24-48 hours.

b) Control of Case

1) Isolation is not required.

2) Concurrent disinfection is not required.

3) Terminal cleaning is not required.

c) Control of Contacts

1) Quarantine is not indicated.

2) Immunization of contacts is not indicated because there are no vaccines available.

d) General Measures

1) ~~General preventive measures are unknown.~~ Cooling towers should be drained when not in use.

2) ~~When cooling towers and water supplies have been clearly implicated as the source of an outbreak, disinfection is required of the cooling tower water and adequate treatment is required of an implicated water supply.~~ Cooling towers should be cleaned periodically to remove scale and sediment and a biocide should be used to prevent the growth of slime-forming organisms.

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3) Laboratories are required to report to the local health authority patients from whom *Legionella* species is cultured. Laboratories are also required to report to the local health authority patients with a four-fold or greater increase in legionella antibody titer.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.480 Leprosy (Hansen's Disease) (~~Infectious~~ infectious and non-infectious cases ~~of leprosy~~ are reportable) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - ~~Shortest known is 7 months; probably the average is 3 to 5 years, although many years may elapse before recognition.~~
Ranges from 9 months to 20 years; average is 4 years for tuberculoid leprosy and 8 years for lepromatous leprosy.

b) Control of Case

~~1) Placarding of premises is not required.~~

~~2~~1) ~~Isolation is required pending evaluation by Illinois Department of Public Health personnel. Home or hospital treatment of infectious patients may be permitted where environmental conditions are satisfactory and approved by Illinois Department of Public Health personnel, and if proper medical and nursing care is provided.~~ No isolation is required for tuberculoid leprosy. Contact isolation during hospitalization is required for lepromatous leprosy.

~~3)~~ ~~Infectious patients must avoid contact with children because they are at greater risk of infection.~~

2) Infectious patients may return to school or work after continuous treatment for a specified period with antimicrobial agents. Infectious patients are non-infectious after three months of continuous treatment with dapsone or clofazimine or three days of continuous treatment with rifampin.

~~4~~3) Concurrent disinfection of discharges and articles soiled by nasal discharges of infectious patients is required. (See Section 690.1000(e)(1))

4) Terminal cleaning (see Section 690.1000(e)(2)) is required.

5) Laboratories are required to report to the local health authority patients from whom *Mycobacterium leprae* has been identified.

c) Control of Contacts. There are no restrictions for contacts. ~~No restrictions.~~ However, contacts should be examined for secondary cases. Initial examination should be made at

time case is discovered and periodic examinations at yearly intervals thereafter for five years after last contact with an infectious case.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.490 Leptospirosis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - Four to 19 days, usually 10 days.

b) Control of Case

1) ~~Isolation is not required.~~ Universal precautions, blood and body fluid precautions or disease-specific precautions (see Section 690.1010(a)(1)) of blood and urine are required during hospitalization.

2) Concurrent disinfection of discharged urine is required. Where sewage disposal systems are adequate, urine may be discharged directly into sewers without preliminary disinfection. (See Section 690.1000(e)(1))

3) Terminal cleaning is not required.

c) Control of Contacts. There are no restrictions on contacts.

~~No restrictions.~~

d) General Measures

1) Use protective boots and gloves when there is contamination of area by urine from infected animals.

2) Control rodents.

3) Segregate infected domestic animals to avoid urine contamination of areas where persons work.

4) Warn the public against swimming in waters accessible to wild or domestic animals.

5) Laboratories are required to report to the local health authority patients from whom *Leptospira* species has been cultured. Laboratories are also required to report to the local health authority patients with a significant (each laboratory will determine criteria for significance) antibody titer against leptospires.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.495 Listeriosis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - Variable; probably 3 to 70 days.

b) Control of Case

1) Enteric precautions or disease-specific precautions are required until clinical recovery.

2) Concurrent disinfection is not required.

3) Terminal cleaning is not required.

c) Control of Contacts

No restrictions.

d) General Measures

1) The local health authority should investigate clusters of cases to determine potential common exposures.

2) All dairy products, except those that are aged for 60 days or longer, should be pasteurized; soft cheeses made with unpasteurized milk have been associated with past listeriosis outbreaks.

3) Contamination of ready-to-eat foods by uncooked meats or poultry should be avoided.

4) The local health authority should educate the public that thorough reheating of potentially contaminated left over foods is advisable, because *Listeria* can multiply at refrigerator temperatures.

5) Laboratories are required to report to the local health authority patients from whom *Listeria monocytogenes* has been cultured.

(Source: Added at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.505 Lyme Disease (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - From 3-32 days after tick exposure for erythema migrans.

b) Control of Case

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1) Isolation is not required.

2) Concurrent disinfection is not required.

3) Terminal cleaning is not required.

~~3~~4) Ticks must be carefully removed from the patient~~ to prevent accidental exposure of health care workers and others~~.

c) Control of Contacts

1) Quarantine does not apply.

2) Immunization of contacts does not apply.

d) General Measures

1) The local health authority should investigate ~~Cases~~ cases ~~should be investigated~~ to determine the source of their tick exposures.

2) The local health authority should be educated about tick avoidance, use of tick repellents and proper removal of ticks.

3) Laboratories are required to report to the local health authority patients from whom *Borrelia burgdorferi* has been cultured.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.510 Malaria (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - Average 12 days for *P. falciparum*, 14 days for *P. vivax* and *P. ovale*, and 30 days for *P. malariae*. With some strains for *P. vivax*, there may be a protracted incubation period of 8 to 10 months. With infection by blood transfusion, incubation is usually short, but varies with the number of parasites in the transfused blood.

b) Control of Case

~~Isolation is not required, but the patient must be protected from bites of mosquitoes by screening of sleeping and living quarters; use of mosquito nets and repellents. Patient should undergo continuous treatment until the blood is freed of malarial parasites.~~

1) Universal precautions (see Section 690.1010(a)(2)) are required for the duration of the illness. Patients should be in mosquito-proof areas at night.

2) Concurrent disinfection is not required.

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3) Terminal cleaning is not required.

c) Control of Contacts. There are no restrictions on contacts.

~~No Restrictions.~~

d) General Measures

1) Employ known effective measures against anopheline mosquitoes.

2) Screen sleeping and living quarters; use of mosquito nets and repellents when applicable.

3) Educate the public as to the mode of ~~spread~~ transmission and methods of prevention of malaria.

4) Prescribe appropriate chemoprophylaxis for all travelers to malarious areas.

5) Question blood donors as to history of malaria or possible exposure to the disease.

6) Laboratories are required to report to the local health authority patients from whom *Plasmodium* species have been identified.

7) Laboratories are required to forward to the Illinois Department of Public Health laboratory slides of blood specimens found to contain malaria parasites for speciation.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.530 Meningitis and Other Invasive Disease Due to *Neisseria meningitidis* or *Haemophilus influenzae* (Reportable by telephone as soon as possible, within 24 hours), Meningitis Due to Other Bacteria, Fungi and Protozoa, and Aseptic Meningitis (Reportable by mail or telephone as soon as possible, within 7 days)

a) ~~Meningococcal (see Meningococcemia)~~ Meningitis and Other Invasive Disease Due to *Neisseria meningitidis*

1) Incubation Period - Varies from 2 to 10 days, commonly 3 to 4 days.

2) Control of Case

A) Respiratory isolation (see Section 690.1010(a)(1)) is required until 24 hours after start of chemotherapy.

B) Concurrent disinfection of secretions of nose and throat is required. (See Section 690.1000(e)(1))

C) Terminal cleaning is required. (See Section 690.1000(e)(2))

3) Control of Contacts

A) No restrictions.

B) Close clinical observation is the single most effective protective measure. Selective chemoprophylaxis may be desirable; the choice of agent should depend on the most recent available information regarding current sensitivity patterns and safety.

4) General Measures

A) Overcrowding should be prevented in living quarters, working quarters, public conveyances, especially barracks, camps and ships.

B) Vaccination should be considered in selected outbreaks depending on serogroup of the agent and the latest information regarding efficacy.

C) Laboratories are required to report to the local health authority each patient from whom Neisseria meningitidis has been isolated from a normally sterile site.

D) Laboratories are required to submit *Neisseria meningitidis* isolates to the Illinois Department of Public Health laboratory for serogrouping, unless the submitting laboratory has performed serogrouping on the organism.

b) Meningitis and Other Invasive Disease Due to *Haemophilus influenzae*

1) Incubation Period - Unknown, most likely 2 to 4 days.

2) Control of Case

A) Respiratory isolation or disease-specific precautions (see Section 690.1010(a)(1)) are required until 24 hours after chemotherapy started.

B) Concurrent disinfection is not required.

C) Terminal cleaning is not required.

3) Control of Contacts

A) No restrictions.

B) Observe contacts less than 6 years of age, especially infants, for signs of illness, especially fever.

C) Selective chemoprophylaxis may be desirable for household contacts in households where there are other children under four years of age, except in households where all children under four years of age are fully vaccinated against *Haemophilus influenzae* type b disease. Chemoprophylaxis is also recommended in day care center classrooms where a case has occurred and children under two years of age have been exposed.

4) General Measures

A) All infants should be vaccinated against *Haemophilus influenzae* disease according to the latest recommendations of the Immunization Practices Advisory Committee. (See Section 690.1010(a)(11))

B) Laboratories are required to report to the local health authority patients from whom *Haemophilus influenzae* has been cultured from a normally sterile site. Hospitals are also required to forward to the Illinois Department of Public Health laboratory all *Haemophilus influenzae* isolates from normally sterile sites for typing, unless the submitting laboratory has typed the organism.

~~b~~c) Other Bacterial, Fungal and Protozoal Meningitis (such as ~~H. influenzae,~~ leptospiral, listerial, pneumococcal, syphilitic, streptococcal, tuberculous, unspecified). Laboratories are required to report to the local health authority patients from whom one of the above organisms was identified in cerebrospinal fluid.

~~c~~d) Aseptic* (Viral groups - due to Coxsackie, ECHO and some other viruses)

(Agency Note: Laboratory efforts to identify the etiologic agent should be made.)

1) Incubation Period - Varies with the specific infectious agent.

2) Control of Case

A) Isolation of all cases is required during febrile period.

B) Concurrent disinfection is required of eating and drinking utensils and articles soiled by excretions and secretions of patient. (See Section 690.1000(e)(1))

3) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

~~*Laboratory efforts to identify the etiologic agent should be made and reported accordingly.~~

4) General Measures

A) Laboratories are required to report to the local health authority meningitis patients from whom a virus was cultured.

B) Laboratories are required to submit virus isolates from meningitis patients to the Illinois Department of Public Health laboratory for typing.

C) During summer months, cases should have acute and convalescent serum specimens collected and tested for arbovirus antibodies.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.540 Meningococcemia (Reportable by telephone as soon as possible) (Repealed)

~~a) Incubation Period--Varies from 2 to 10 days, commonly 3 to 4 days.~~

~~b) Control of Case~~

~~1) Isolation is required until 24 hours after start of chemotherapy.~~

~~2) Concurrent disinfection of secretions of nose and throat is required. (See Section 690.1000(e)(1))~~

~~3) Terminal cleaning is required. (See Section 690.1000(e)(2))~~

~~c) Control of Contacts~~

~~1) No restrictions.~~

~~2) Close clinical observation is the single most effective protective measure. Selective chemoprophylaxis may be desirable; the choice of agent should depend on the most recent available information regarding current sensitivity patterns and safety.~~

~~d) General Measures~~

~~1) Prevent overcrowding in living quarters, working quarters, public conveyances, and especially barracks, camps and ships.~~

~~2) Submit isolates to the Illinois Department of Public Health laboratory for serogrouping.~~

~~3) Consider vaccination in selected outbreaks depending on serogroup of the agent and the latest information regarding efficacy.~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period--Usually 36 to 48 hours.

b) Control of Case

1) Isolation is required for the first 24 hours after administration of antibiotic.

2) Concurrent disinfection~~:~~ is accomplished by care in disposal of conjunctival discharges and articles soiled therewith. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

d) General Measures. IT SHALL BE THE DUTY OF ANY PHYSICIAN, MIDWIFE OR NURSE WHO ATTENDS OR ASSISTS AT THE BIRTH OF A CHILD, TO INSTILL OR HAVE INSTILLED IN EACH EYE OF THE NEWBORN BABY, AS SOON AS POSSIBLE AND NOT LATER THAN ONE HOUR AFTER BIRTH, A ONE PERCENT (1%) SOLUTION OF SILVER NITRATE OR SOME OTHER EQUALLY EFFECTIVE PROPHYLACTIC FOR THE PREVENTION OF OPHTHALMIA NEONATORUM APPROVED BY THE STATE DEPARTMENT OF PUBLIC HEALTH. (Section 2 of the Infant Eye Disease Act [410 ILCS 215/2])

~~1) The following is an extract of "An Act for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this act", (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 4701 et seq.)~~

~~*"It shall be the duty of any physician, midwife or nurse who attends or assists at the birth of a child, to instill or have instilled in each eye of the newborn baby, as soon as possible and not later than one hour after birth, a one percent (1%) solution of silver nitrate or some other equally effective prophylactic for the prevention of ophthalmia neonatorum approved by the State Department of Public Health."*~~

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~~2~~1) The Illinois Department of Public Health approves 1% silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin as a prophylactic for ophthalmia neonatorum.

~~3~~2) It is the duty of all hospitals and places of childbirth to maintain such records of cases of ophthalmia neonatorum in the manner and form prescribed by the Department of Public Health.

~~4~~3) If gonorrhea is suspected, antepartum treatment of the mother is recommended.

~~5~~4) ~~Investigation of the source is required as cited in Section 690.1100, "The Control of Sexually Transmitted Diseases".~~ The local health authority shall investigate the source of infection pursuant to the Control of Sexually Transmissible Diseases Code, 77 Ill. Adm. Code 693.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.570 Plague (Reportable by telephone as soon as possible, within 24 hours)

a) Incubation Period - From 2 to 6 days in bubonic plague, ~~2 to 4~~ 1 to 6 days in pneumonic plague; may be shorter, rarely longer.

b) Control of Case

1) Placarding of premises is required ~~unless case is hospitalized~~ if patient has household contacts.

2) Isolation is required. Hospitalize all patients. ~~Hospital personnel should be refer to strict isolation procedures as stated in the latest edition of the manual entitled, "Isolation Techniques for Use in Hospitals", U.S. Department of Health, Education and Welfare, Public Health Service.~~ Cases and their clothing should be treated to get rid of fleas.

A) For patients with bubonic plague who have no cough and have a normal chest x-ray, drainage/secretion precautions or disease-specific precautions are required for three days after start of chemotherapy. (See Section 690.1010(a)(1))

B) For patients with pneumonic plague, strict isolation is required until three full days of chemotherapy have been completed and the patient has a favorable clinical response (See Section 690.1010(a)(1))

C) Concurrent disinfection of sputum, purulent discharge and articles soiled with

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either of these substances is required. (See Section 690.1000(e)(1))

D) Terminal cleaning is required. (See Section 690.1000(e)(2))

E) Bodies of persons who have died with plague shall be handled with strict aseptic precautions. (See Section 690.1200)

c) Control of Contacts

1) Contacts to pneumonic plague cases shall be offered chemoprophylaxis and quarantined for 6 7 days with close observation for developing illness ~~and recording of body temperature every 4 hours~~. For contacts who refuse chemoprophylaxis, strict isolation is required for 7 days. ~~Start specific therapy as soon as fever appears.~~

2) Contacts to bubonic plague shall be disinfected with insecticide powder and kept under surveillance for 6 7 days. Contacts to bubonic plague should be offered chemoprophylaxis.

d) General Measures

1) Intensive flea control, followed by extermination of rats by poisoning and trapping and ratproofing in urban areas. Surveys and inspection in rural areas to detect sylvatic plague.

2) Active immunization with killed vaccine of travelers or workers in known infected areas - repeated in 6 months if remaining in the area. Immunization alone must not be relied on while neglecting measures to control rats and fleas. Immunization upon arrival in infected country may be recommended.

3) Hunters should be cautious of being bitten by insects (particularly fleas) from rabbits and other rodents which they may handle.

4) Laboratories are required to report to the local health authority patients from whom *Yersinia pestis* is cultured.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.590 Psittacosis (Ornithosis) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - From 4 - 15 days, commonly 10 days.

b) Control of Case

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1) Isolation is not required. ~~procedures for hospitalized cases are stated in the latest edition of the manual entitled, "Isolation Techniques for Use in Hospitals", U.S. Department of Health, Education, and Welfare, Public Health Service.~~

2) Concurrent disinfection ~~Sanitary disposal~~ of oral and nasal secretions is required. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. There are no restrictions on contacts.

~~Contacts should be kept under surveillance for two weeks from date of last exposure to infected birds.~~

d) Control of Infected Birds and Premises

1) Trace origin of infected birds. Laboratory examination is desirable.

~~2) Consult Illinois Department of Public Health laboratories for proper submission of the killed bird.~~

~~3~~2) Buildings housing infected birds should not be used by man until thoroughly cleaned and ~~aired~~ disinfected.

e) ~~Sale of Birds within State~~ The following shall apply to the sale of birds within the State of Illinois:

1) All persons dealing in psittacine birds shall keep a record of each transaction for at least two years; such record shall include the number of birds purchased or sold, the date of the transaction, the number and address of the person or agency from whom ~~purchase~~ purchased or to whom sold.

2) In addition to the above, such records shall include the type and period of treatment, antibiotic or other, which may have been administered, and records of all tests for psittacosis which may have been conducted prior to sale or exchange.

3) All records as described in subsections (e)(1) and (2) ~~above~~ of this Section shall be available for official inspection at all times.

f) ~~Interstate Shipment of Birds 1) Following are the~~ The following U.S. Interstate Quarantine Regulations ~~(effective November 15, 1961) which~~ (21 CFR 1240.65) pertaining to the shipment and transportation of birds of the psittacine family shall be followed:

~~2) "Section 72.22 is revised to read as follows:~~

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~~A) "72.22. Psittacine Birds.~~

~~a)~~1) The term psittacine birds shall include all birds commonly known as parrots, Amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lories, lorikeets, and all other birds of the psittacine family.

~~B)~~2) No person shall transport, or offer for transportation, in interstate traffic any psittacine bird unless the shipment is accompanied by a permit from the state health department of the state of destination where required by such department. ~~(No permit is required for the admission of psittacine birds into the State of Illinois.)~~

~~C)~~3) ~~"~~Whenever the Surgeon General finds that psittacine birds or human beings in any area are infected with psittacosis and there is such danger of transmission of psittacosis from such area as to endanger the public health, he may declare it an area of infection. No person shall thereafter transport, or offer for transportation, in interstate traffic any psittacine bird from such area, except shipments authorized by the Surgeon General for purposes of medical research and accompanied by a permit issued by him, until the Surgeon General finds that there is no longer any danger of transmission of psittacosis from such area. As used in this paragraph, the term 'area' includes, but is not limited to, specific premises or buildings.~~"~~

4) No permit, referenced in subsection (f)(2) of this Section, is required for the admission of psittacine birds into the State of Illinois by the Department.

g) Laboratories are required to report to the local health department patients from whom *Chlamydia psittaci* has been isolated and patients with significant antibody titers to this organism. Each laboratory will determine the definition of a significant titer.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)

a) Incubation Period - Usually 2 to 8 weeks, occasionally shorter or much longer; depends on extent of laceration, site of wound in relation to richness of nerve supply and distance from brain, amount of virus introduced, protection provided by clothing, and other factors.

b) Control of Case

1) Immediate transfer to a specialized hospital and consultation may be lifesaving.

2) ~~Isolation~~ Universal precautions, contact isolation, or disease-specific precautions for respiratory secretions ~~is~~ are required for duration of illness. A private room is required. (See Section 690.1010(a)(1))

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3) Concurrent disinfection is required of saliva and articles soiled therewith. Immediate attendants must he provided with impervious gloves and protective gowns to avoid inoculation with patient's saliva. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. Contacts who have open wound or mucous membrane exposure to the case's saliva shall be offered rabies prophylaxis.

~~No restrictions.~~

d) General Measures. See "Animal Bites", Section 690.310.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.610 Rocky Mountain Spotted Fever (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - From 3 to ~~about 10~~ 14 days.

b) Control of Case

1) Isolation is not required.

2) Destruction of all ticks on patients.

c) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

d) General Measures

1) Tick-infested areas should he avoided; remove ticks from the body promptly avoiding crushing; protect hands when removing ticks from animals; use tick repellents.

2) Tick-infested livestock and pets should be dipped, sprayed or dusted.

3) Persons becoming ill within two weeks after a tick bite should report the bite immediately to a physician~~and request specific treatment~~.

~~4) A vaccine is available for persons with continuing close occupational exposure.~~

4) Laboratories are required to report to the local health authority patients with

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significant (each laboratory will determine criteria for significance) positive antibody test results showing evidence of infection with *Rickettsia rickettsii*.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - ~~Six~~ 6 to 72 hours, usually about 12 to 36 hours.

b) Control of Case

1) ~~Isolation is~~ Enteric precautions or disease-specific precautions are required for hospitalized patients until clinical recovery (i.e., absence of fever and diarrhea). (See Section 690.1010(a)(1))

2) Cases who are food handlers or in sensitive occupations shall not return to their usual occupation until two consecutive specimens (release specimens) of feces taken not less than 72 hours apart are tested and found to be negative. Specimens must be submitted to a laboratory acceptable to the Illinois Department of Public Health. There is some evidence to suggest that antibiotic treatment of intestinal salmonellosis prolongs rather than reduces the period of shedding. Therefore, antibiotics should be used only for complications of salmonellosis such as septicemia or abscess. If antibacterial treatment has been given, ~~the~~ release specimens must be collected at least 48 hours after treatment was discontinued. ~~Individuals licensed or registered by the State of Illinois to provide health care services are exempted from this restriction unless they provide care for children less than one year of age, patients with a chronic weakness of bodily functions or organs due to disease or aging, or patients who suffer from a deficiency in the basic immune system.~~ Health care workers who use universal precautions, and who do not have diarrhea, are not required to cease their occupations, but must submit release specimens as described above. Health care workers will be restricted from their occupations if they do not begin submitting release specimens within one week after notification. This occupational restriction will terminate when specimen submission begins as long as the case continues to comply with required specimen submission.

3) Concurrent disinfection of body discharges is required. Hand washing is required after defecation. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts

1) Contacts Who Have Not Had Diarrhea During the Previous Four Weeks

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A) There are no automatic restrictions from working for contacts who are food handlers or employed in sensitive occupations and who have had no symptoms of salmonellosis during the previous four weeks.

B) Contacts who are employed as food handlers or in sensitive occupations shall submit specimens as described in subsection (b)(2) of this Section. These contacts will be restricted from their occupations if they do not comply with submission of two release specimens within two weeks following notification.

C) If either of the two release specimens referenced in subsection (c)(1)(B) of this Section is positive for *Salmonella*, contacts shall be considered cases and will be required to comply with the provisions of subsection (b)(2) of this Section.

2) Contacts Who Currently Have, or Have Had, Diarrhea During the Previous Four Weeks

A) All contacts who are food handlers or in sensitive occupations and who currently have diarrhea or have had diarrhea during the previous four weeks shall ~~comply with subsection (b)(2) above prior to returning to their usual occupations.~~ not continue their occupations until they have submitted two stool specimens as described in subsection (b)(2) of this Section.

B) Health care workers who use universal precautions, and who do not currently have diarrhea, are not required to cease their occupations but must submit release specimens as described in subsection (b)(2) of this Section.

C) Health care workers shall be restricted from their occupations if they do not comply with submission of two release specimens within two weeks of notification. This occupational restriction will terminate when specimens are submitted.

D) If either of the two release specimens referenced in (c)(2)(B) is positive for *Salmonella*, contacts shall be considered cases and will be required to comply with the provisions of subsection (b)(2) of this Section.

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

e) General Measures

1) The public should be educated to thoroughly cook all foods derived from animal sources, particularly egg products, meat, poultry or pork dishes.

2) Pasteurized egg products should be used when preparing foods that require use of raw eggs or foods in which eggs would be pooled before cooking.

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3) All food handlers should be instructed and supervised in hand washing.

4) ~~Isolates should be submitted to the Illinois Department of Public Health laboratory for serotyping.~~ Laboratories are required to report to the local health authority patients from whom *Salmonella* has been isolated.

5) Laboratories are required to submit *Salmonella* isolates to the Illinois Department of Public Health laboratory for serotyping.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.640 Shigellosis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - ~~One~~ 12 hours to 7 days, usually ~~less than 4~~ one to 3 days.

b) Control of Case

1) ~~Isolation in a fly-proof room is required of all clinically active cases.~~ Enteric precautions or disease-specific precautions are required for patients in health care facilities until two negative fecal cultures are obtained.

2) Cases who are food handlers or in sensitive occupations shall not return to their usual occupations until ~~three~~ two consecutive specimens of feces, taken not less than twenty-four hours apart, are found to be negative. If antibacterial treatment has been given, the specimens must be collected at least 48 hours after treatment was discontinued. If Cary-Blair media is used to transport the specimen, the specimen must arrive at an Illinois Department of Public Health laboratory or a laboratory acceptable to the Illinois Department of Public Health within 72 hours. Because of the fragility of the *Shigella* organism, specimens ~~must be~~ submitted using other transport media ~~to a~~ must arrive in a laboratory of the Illinois Department of Public Health or in a laboratory acceptable to the Illinois Department of Public Health within six hours ~~of~~ after passage.

3) Concurrent disinfection of feces and articles soiled with feces ~~or their sanitary disposal~~ is required. Hand washing after defecation is required. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts

~~All contacts who are food handlers or in sensitive occupations shall comply with subsection (b)(2) above prior to returning to their usual occupations.~~

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1) Contacts Who Have Not Had Diarrhea During the Previous Four Weeks

A) There are no automatic restrictions from working for contacts who are food handlers or employed in sensitive occupations and who have had no symptoms of shigellosis during the previous four weeks.

B) Contacts who are employed as food handlers or in sensitive occupations shall submit specimens as described in subsection (b)(2) of this Section. These contacts shall be restricted from their occupations if they do not comply with submission of two release specimens within two weeks following notification.

C) If either of the two release specimens referenced in subsection (c)(1)(B) of this Section is positive for *Shigella*, contacts shall be considered cases and will be required to comply with the provisions of subsection (b)(2) of this Section.

2) Contacts Who Currently Have, or Have Had, Diarrhea During the Previous Four Weeks. All contacts who are food handlers or in sensitive occupations and who currently have diarrhea or have had diarrhea during the previous four weeks shall not continue their occupations until they have submitted two stool specimens as described in subsection (b)(2) of this Section.

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

e) General Measures

1) Protection and purification of public water supplies.

~~2) Pasteurization of public milk supplies.~~

~~3~~2) Supervision of hygienic practices, especially hand washing, of ~~other food supplies and of~~ food handlers and young children.

~~4) Prevention of fly breeding.~~

~~5~~3) Sanitary disposal of human excreta.

~~6~~4) ~~Submission of isolates to the Illinois Department of Public Health laboratory for serotyping.~~ Laboratories are required to report to the local health authority patients from whom *Shigella* has been isolated.

5) Laboratories are required to submit *Shigella* isolates to the Illinois Department of Public Health laboratory for serotyping.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

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Section 690.650 Smallpox (Reportable by telephone as soon as possible, within 24 hours)

a) Incubation Period - From 7 to 17 days; commonly 10 to 12 days to onset of illness and 2 to 4 days more to onset of rash.

b) ~~Smallpox is a very serious and very contagious disease. Therefore, if at any time this diagnosis is suspected, the patient must be confined and strictly isolated wherever he is - whether this be a home, a hotel, or a hospital. He must not be moved, even to another room, and no one except recently vaccinated medical personnel must be allowed to come in contact with him. Appropriate state and local health authorities must be contacted immediately. All recent contacts shall be identified. State and local health authorities will then proceed with confirmation of the diagnosis, following which they will decide when the patient should be moved to already established special communicable disease hospitals. The rules to be followed will be those in the latest revision of the manual for isolation of smallpox cases prepared by the Center for Disease Control.~~ Cases will be isolated and investigated according to the provisions of Section 690.100(d).

c) Sale of Food, Milk, etc. (See Section 690.1000(f)).

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.660 Staphylococcal Infections Occurring ~~Within a Health Care Institution, or with Onset Less than Thirty Days Following Discharge~~ In Infants Under 28 Days of Age Within a Health Care Institution or With Onset After Discharge (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - ~~Variable and indefinite, commonly~~ Commonly 4 to 10 days, but disease may not occur until several months after colonization.

b) Control of Case

1) ~~Techniques as outlined in the latest edition of the manual entitled, "Isolation Techniques for Use in Hospitals", U.S. Department of Health, Education, and Welfare, Public Health Service, must be followed for patients in all health care institutions.~~ Contact isolation or disease-specific precautions are required for hospitalized patients. (See Section 690.1010(a)(1))

2) Patients outside of a health care institution do not require special handling. ~~, unless they are a food handler or in sensitive occupations. Such people shall not return to their sensitive occupations until the wounds have healed.~~

3) Concurrent disinfection of articles contaminated by infectious discharges is required. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. Hospital personnel with minor lesions, such as pustules, boils, abscesses, conjunctivitis, severe acne, otitis externa, or infected lacerations, shall not work in a newborn nursery.

d) General Measures

1) Strict adherence to hand washing of hospital nursery staff before contact with each infant is required.

2) Laboratories are required to report to the local health authority all infants less than 28 days of age from whom *Staphylococcus aureus* is isolated.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.670 Streptococcal Infections ~~(Including complications)~~ (due to Group A streptococci, including pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever and invasive disease) (Reportable by mail or telephone as soon as possible, within 7 days)

The following apply to pharyngitis ~~Pharyngitis~~ or skin infections, with or without scarlet fever rash.

a) Incubation Period - Short, usually 1 to 3 days; rarely longer.

b) Control of Case

1) ~~Isolation is~~ Drainage/secretion precautions or disease-specific precautions are required, but may be terminated after 24 hours' treatment with penicillin or other appropriate antibacterial agent, provided treatment is continued for a minimum of 10 days to prevent rheumatic fever. (See Section 690.1010(a)(1))

2) Concurrent disinfection is required of nose and throat secretions and all purulent discharges and articles soiled ~~therewith~~ with these discharges. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

~~e) Post streptococcal complications, such as rheumatic fever and glomerulonephritis, shall be reported, but the case is not infectious.~~

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.695 Toxic Shock Syndrome (Reportable by mail or telephone as soon as possible, within 7 days)

a) Control of Case

1) Isolation - Drainage~~/Secretion Precautions~~ /secretion precautions or disease-specific precautions are required for vaginal discharge and pus during the duration of illness. (See Section 690.1010(a)(1))

2) Concurrent disinfection of purulent discharges and articles soiled with these discharges is required. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

b) Control of Contacts - None.

c) General Measures. Cases must be investigated to determine risk factors associated with disease.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 1 5 1994)

Section 690.710 Trichinosis (Trichinellosis) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - About 9 8 to 15 days after ingestion ~~by man~~ of ~~infective~~ contaminated meat; varies between ~~2~~ 5 and ~~28~~ 45 days.

b) Control of Case. There are no restrictions for cases.

~~No restrictions.~~

c) Control of Contacts. There are no restrictions for contacts.

~~No restrictions.~~

d) General Measures

1) Educate the public to cook all meat from wild carnivores, pork and pork products at a temperature allowing all parts of the meat to reach at least ~~150°=F.~~ 171 degrees F (~~65.6°=C.~~ 77 degrees C) or until meat changes from pink to gray, unless meat

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previously properly processed. ~~Any ground meat product may contain pork as a result of intentional adulteration or accidental contamination while grinding.~~

2) Attempt to trace each case to the farm where the infected swine originated.

3) Encourage farmers and hog raisers to use standard swine sanitation practices, including control of rats and prevention of swine feeding on rats or swine carcasses.

4) Urge food stores to have separate grinding machines for beef and pork.

5) Laboratories are required to report to the local health authority persons from whom *Trichinella spiralis* has been identified and patients with significant serologic test results. Each laboratory will determine a significant serologic test result.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.725 Tularemia (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - 2 to 10 days, usually 3 days.

b) Control of Case

1) Drainage/secretion precautions or disease-specific procedures for drainage from open lesions is required. (See Section 690.1010(a)(1))

2) Concurrent disinfection of drainage from open lesions and conjunctivae, and articles contaminated with drainage is required. (See Section 690.1000(e)(1))

3) Terminal cleaning is not required.

c) Control of Contacts. There are no restrictions for contacts.

d) General Measures

1) The public should be educated to use impervious gloves when skinning or handling animals, especially rabbits.

2) The meat of wild rabbits and rodents should be thoroughly cooked before ingestion.

3) The public should be educated to avoid bites by flies, mosquitoes and ticks and to avoid handling these arthropods.

4) The public should be educated about the hazards of swimming in streams and ponds in areas where wild animal infection is known.

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5) Laboratories are required to report to the local health authority patients from whom *Francisella tularensis* has been cultured and patients with significant (criteria for significance should be determined by each laboratory) serologic test result for tularemia.

(Source: Added at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.730 Typhoid Fever (Reportable by telephone as soon as possible, within 24 hours)

a) Incubation Period - Dependent on size of infecting dose; usual range 1 to 3 weeks.

b) Control of Case

1) ~~Isolation is required, preferably in a hospital. If at home, conditions must be approved by the local health authority.~~ Enteric precautions or disease-specific precautions (see Section 690.1010(a)(1)) are required during the acute illness. If the patient is not in a licensed hospital, conditions must be approved by the local health authority. After termination of the acute illness (absence of fever), cases may resume their usual activities after receiving education on transmission of the bacterium that causes typhoid fever from the local health authority, but shall not return to day care centers or to food handling or sensitive occupations until released according to subsection (b)(4) of this Section.

2) Concurrent disinfection of feces and urine and articles soiled by these excreta is required until the case is released by the local health authority. In communities with municipal sewage disposal systems, feces and urine may be ~~disposed of~~ discharged into sewers without preliminary disinfection. (See Section 690.1000(e)(1)) Hand washing after defecation is required.

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

4) The case will be released from ~~isolation~~ enteric precautions when three consecutive specimens of feces and urine, taken not less than 24 hours apart and preferably 30 days after onset, are negative for *Salmonella typhi*. The first release specimen shall be taken not less than ~~7 days~~ 48 hours after discontinuation of any ~~antibiotic or bacteriostatic~~ antimicrobial agent. ~~All three release specimens shall be authenticated and shall be taken from the second or third bowel movement after the administration of a saline cathartic.~~ Each release specimen must be examined in a laboratory of the Illinois Department of Public Health or in a laboratory acceptable to the Illinois Department of Public Health within 48 hours of collection. Specimens of feces must show evidence of growth of normal flora.

5) If any of the three release specimens from the case are positive and the patient is asymptomatic~~, the patient shall be classified as a typhoid carrier. (See subsection~~

~~(c))~~ , the case shall be classified as a convalescent carrier providing the specimen was collected within 12 months following onset of symptoms.

6) If cases do not submit three consecutive negative specimens within 12 months following onset of illness according to this subsection (b), they will be classified as chronic carriers.

c) Control of Carriers

1) ~~Individuals who~~ A chronic carrier is defined as:

A) ~~excrete typhoid bacilli in their feces or urine, or~~ A person who excretes typhoid bacilli in feces or urine and had no symptoms of typhoid disease during the past 12 months, or

B) ~~harbor typhoid bacilli at a site where excretion is likely, but have no symptoms of typhoid disease, shall be classified as typhoid carriers. Those who have a history of recent acute typhoid (within past 12 months) shall be classified as convalescent typhoid carriers. Those without a history of typhoid disease within the preceding 12 months and persons documented to shed typhoid bacilli for longer than 12 months shall be classified as chronic typhoid carriers.~~ A person who was an acute typhoid fever case who excretes typhoid bacilli for 12 months or longer after onset of typhoid fever, or

C) A person who harbors typhoid bacilli at a site where excretion is likely (including a patient with culture-positive bile or another clinical specimen following cholecystectomy), but had no symptoms of typhoid disease during the past 12 months, or

D) A person with culture-proven acute typhoid fever more than 12 months earlier who has not submitted three negative specimens of feces and urine as described in subsection (b)(4) of this Section.

2) A convalescent carrier is defined as:

A) A case of acute typhoid fever who has one or more positive cultures subsequent to clinical recovery, or

B) A person who is culture-positive for typhoid bacilli, as described above, and who has a history of acute typhoid within the previous 12 months.

~~2~~3) ~~Persons~~ A person found to be a chronic typhoid carrier~~s are~~ is subject to the same regulations as cases, but may be granted a modified form of isolation ~~upon signing a Typhoid Fever Agreement (Exhibit A) and obtaining approval of the local health~~

~~authority.~~ after receiving health education from the local health authority about modes of transmission for the bacteria that causes typhoid fever. ~~The Typhoid Fever Agreement must be discussed with the carrier and, upon signing, one copy is to be filed with the local health authority, 2 copies forwarded to the Illinois Department of Public Health, and the fourth copy to be given to the carrier.~~ Chronic typhoid carriers may not be employed as food handlers or in sensitive occupations (see Section 690.900) or attend group day care until released from the restrictions placed on chronic typhoid carriers (see subsection (c)(7) of this Section). The local health authority shall visit the carrier annually~~,~~ or as often as necessary to ~~insure compliance with the Agreement.~~ reiterate education about modes of transmission of the bacteria that causes typhoid fever. ~~Elderly carriers should be visited more frequently since they may be at greater risk of being hospitalized or placed in a long-term care facility.~~ Carriers over age 70 and other carriers with infirm health shall be contacted every six months.

4) A person found to be a convalescent typhoid carrier may not resume his/her usual activities outside the home until granted a modified form of isolation after receiving health education from the local health authority about modes of transmission for the bacteria that causes typhoid fever. Convalescent typhoid carriers may not work as food handlers or in sensitive occupations (see Section 690.900) or attend group day care until released from the restrictions on convalescent typhoid carriers (see subsection (c)(6) of this Section).

~~3~~5) ~~If carriers~~ When a typhoid carrier (chronic or convalescent) requires hospital care or care in a long-term care facility or day care (adult or child) program for any reason, the facility shall be notified ~~relative to his~~ about his/her carrier status before ~~he~~ he/she is admitted as a patient to assure that proper precautions are taken. A nurse, upon taking care of the case at home, shall also be informed for ~~her~~ his/her protection. Typhoid carriers can be admitted to long-term care facilities or day care programs after consultation with the local health authority and the Illinois Department of Public Health, at which time a care plan specific for each carrier will be developed.

~~4~~6) ~~If a~~ A convalescent carrier ~~wishes to~~ may be released from modified isolation~~, he must submit~~ after submitting three consecutive negative specimens of feces and urine at intervals of not less than 30 days and within 12 months ~~of~~ after onset. ~~These specimens~~ Collection, testing and transport of these specimens must conform to subsections (b)(4) ~~above~~ of this Section.

~~5) If a chronic carrier desires to submit specimens of feces and urine for release, he shall go to a hospital or a place designated by the local health authority where a cathartic shall be given and a specimen from the second and third bowel movement shall be sent to a laboratory of the Illinois Department of Public Health. A typhoid carrier shall not be released from observation of the rules of modified isolation until~~

~~he has submitted eight successive, negative, authenticated specimens of feces and urine taken not less than 30 days apart. The specimens may not be taken within 7 days of treatment with an antibiotic or bacteriostatic agent, for whatever reason these drugs may have been prescribed. The specimens must be examined in a laboratory of the Illinois Department of Public Health within 48 hours of collection. The Illinois Department of Public Health reserves to itself the right of passing finally upon all evidence which it has obtained or caused to be obtained.~~

7) A chronic carrier may be released from modified isolation after submitting three consecutive negative specimens of feces and urine collected not less than 30 days apart. Each specimen must be authenticated and at least one specimen shall be collected after administering a saline cathartic. The post-cathartic specimen shall be collected from the second or third bowel movement after administering the cathartic. Specimens may not be taken within 48 hours after treatment with an antimicrobial agent, regardless of the reason for which the medication was prescribed. Testing and transport of specimens must conform to subsection (b)(4) of this Section.

d) Control of Contacts to a Case

~~1) Typhoid vaccine shall be administered to family, household, and other residential contacts who have been or may be exposed to cases. A primary series of two injections shall be administered, followed by a booster injection of 0.5 ml. at least every 3 years.~~

~~2) All contacts to cases shall submit specimens of feces and urine to a laboratory of the Illinois Department of Public Health. These specimens shall be not less than 48 hours apart, post cathartic and authenticated. Contacts, except food handlers and individuals in sensitive occupations, shall submit two specimens of feces and urine. Providing these specimens are negative, these contacts need not be quarantined if they cease contact with the patient and cooperate with the local health authority.~~

~~3) Contacts in the home who are food handlers or engaged in sensitive occupations shall discontinue their occupations until they change their residence, cease contact with the case, and submit four specimens of feces and urine as specified in subsection (d)(2) above. The local health authority may then permit them to resume their occupations provided they do not enter the premises of the case until after release from isolation of the case by the local health authority.~~

~~4) Contacts who give a history of having had typhoid shall submit specimens in the same number and manner as prescribed for food handlers.~~

1) Contacts to a case whose most likely source of infection is travel to a foreign country (usually a developing country) within 30 days prior to onset of symptoms are required to abide by the following.

A) Members of households where these cases reside are not required to be tested for typhoid bacilli, except for household members who were also foreign travel companions of the case, unless the local health authority identifies specific risks for transmission within the household.

B) Travel companions of such cases shall be tested, but need not restrict their occupations unless they had symptoms of typhoid fever during or subsequent to foreign travel.

C) Travel companions who have had symptoms of typhoid fever shall not work as food handlers or in sensitive occupations or attend group day care (adult or child) until testing is completed.

D) When testing is required in this subsection, two specimens of feces and urine shall be collected not less than 48 hours apart. Other aspects of specimen collection, transport and testing shall conform with subsection (b)(4) of this Section.

E) If persons required to be tested according to this subsection refuse to comply within two weeks after notification of this testing requirement, they will be restricted from their occupation, school attendance or day care attendance until compliance is achieved.

2) In tour groups to foreign countries (usually developing countries) in which typhoid fever has occurred, all members of the tour group shall be tested (see requirements for travel companions in subsections (d)(1)(B) through (E) of this Section).

3) Persons living in the household of cases whose source was in the United States are considered contacts to typhoid fever. Other persons outside the household who have had close contact with the case at a time when they could have been the source of infection for the case, or at a time when they may have been exposed to infection by the case, are also classified as contacts to typhoid fever.

A) Contacts must submit two consecutive negative specimens of feces and urine, but need not curtail their usual activities, except they may not be employed in food handling or in sensitive occupations (see Section 690.900) or attend group day care (child or adult) until testing is completed.

B) Collecting, testing and transport of specimens must comply with subsection (b)(4) of this Section.

C) If persons required to be tested according to this subsection refuse to comply within two weeks after notification, they will be restricted from their occupations or school attendance until compliance is achieved.

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e) Control of Contacts to ~~Carriers~~ a Carrier. All persons living in the household of a newly identified chronic carrier and other contacts living outside the home must submit two consecutive negative specimens of feces and urine collected, tested and transported according to subsection (b)(4) of this Section. Persons employed in food handling or sensitive occupations shall not return to these occupations until this testing requirement has been fulfilled. Other persons need not have their usual activities curtailed. If persons required to be tested according to this subsection refuse to comply with this testing requirement within two weeks after notification, they will be restricted from their occupations, school attendance or day care (adult or child) attendance until compliance is achieved.

~~1) Typhoid vaccine shall be administered as in subsection (d)(1).~~

~~2) All contacts shall submit specimens as prescribed in subsection (d)(2) and (3) above. Contacts in the home who are food handlers or are engaged in sensitive occupations may resume their occupations after submitting four negative specimens of feces and urine, submitted as prescribed in subsection (d)(3) above.~~

~~3) Household contacts to a typhoid carrier who has not been granted modified isolation privileges shall be subject to the same restrictions as contacts to a case.~~

f) Sale of Food, Milk, etc. (See Section 690.1000(f)).

g) General Measures

1) Travelers to developing countries should be educated about safe food and beverage ingestion.

~~1~~2) Protection and purification of public water supplies; construction of safe private water supplies.

~~2~~3) Sanitary disposal of human excreta.

~~3) Pasteurization of milk and milk products and the aging of cheese for not less than 60 days at 35°F.(2°C.).~~

~~4) Supervision of other food supplies and of food handling practices.~~

~~5) Prevention of fly breeding.~~

~~6) Immunization:~~

~~A) of persons subject to unusual exposure by reason of residence, occupation, or travel; and~~

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~~B) of those living in areas of high endemic incidence of typhoid fever. Immunization of nursing personnel is of dubious value.~~

~~7) Isolates of typhoid bacilli should be submitted to the Illinois Department of Public Health laboratory for phage typing. (see Exhibit A of this Part)~~

4) Laboratories are required to report to the local health authority patients from whom *Salmonella typhi* has been isolated.

5) Laboratories are required to submit isolates to the Illinois Department of Public Health laboratory for typing.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

SUBPART D: DEFINITIONS

Section 690.900 Definition of Terms

For the purpose of this Part, the following shall be the accepted definitions of the terms used herein.

"Authenticated Fecal Specimen" - A specimen is considered to be authenticated when a public health authority or a person authorized by ~~them~~ a public health authority has observed one or more of the following:

The patient ingest a marker dye ~~and cathartic~~ plus the presence of the marker dye in the specimen.

The patient void the specimen.

Conditions such that none other than the case, carrier or contact could be source of the specimen.

"Carrier" - A person who~~, without current symptoms of a communicable disease, harbors and disseminates the specific micro organisms.~~ harbors a specific infectious agent in the absence of discernible clinical disease and serves as a potential source of infection.

"Case" - Any person having a recent illness due to a communicable disease.

"Contact" - ~~Any person known to have been associated sufficiently with an infected person so as to have been exposed to infection.~~ Any person known to have been associated sufficiently with a case or carrier of a communicable disease to have been the source of infection for that person or to have become infected by the case or carrier.

"Disinfection" - The ~~destruction of the vitality of~~ process of rendering pathogenic

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micro-organisms non-viable by chemical or physical means.

Concurrent disinfection - the application of disinfection immediately after the discharge of infectious material from the body of an infected person, or after the soiling of articles with such infectious discharges, all personal contact with such discharges or articles being ~~prevented~~ minimized prior to their disinfection.

Terminal cleaning - the process of rendering the personal clothing and immediate physical environment of the patient free from the possibility of conveying the infection to others at a time when the patient is no longer a source of infection.

"Disinfestation" - Any physical or chemical process ~~by which insects (including ticks, mites and lice) or rodents known to be capable of conveying or transmitting infection and living on the body or in and around human habitation may be destroyed upon the person or his clothing or in his environment.~~ serving to destroy or remove undesired small animal forms, particularly arthropods or rodents, present upon the person, the clothing, or in the environment of an individual, or on domestic animals.

"Endemic" - ~~The frequent occurrence in a community, year after year, of cases of the same disease but in smaller numbers than epidemic occurrence.~~ The constant presence of a disease or infectious agent within a given geographic area; may also refer to the usual prevalence of a given disease within such area.

"Epidemic" - The occurrence in a community or region of ~~a group of~~ cases of an illness (or an outbreak) ~~the same or closely similar diseases~~ clearly in excess of ~~normal experience~~ expectancy.

"Food Handler" - A person who produces, prepares, packages or dispenses food or drink that will not be subsequently heated to cooking temperatures.

"Health Care Worker" - Any person who is employed (or volunteers their services to a health care organization) to provide direct personal services to others when health care is being delivered. This definition includes, but is not limited to, physicians, dentists, nurses, nursing assistants and laboratory technicians who have direct contact with patients.

"Isolation" - The separation during the infectious period of a person who has a communicable disease or who is a carrier of the infecting organism, or who is suspected of having such a disease or of being a carrier, from other persons in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent.

"Isolation, Modified" - A selective, partial limitation of freedom of movement that is applicable to certain specified diseases.

"Local Health Authority" - The health authority (i.e., full-time official health department,

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as recognized by the Illinois Department of Public Health) having jurisdiction over a particular area, including city, village, township and county boards of health and health departments and the responsible executive officers of such boards, or any person legally authorized to act for such health authority. In areas without a health department recognized by the Illinois Department of Public Health, the local health authority shall be the Illinois Department of Public Health.

"Observation" - The practice of close medical or other supervision of contacts in order to promote prompt recognition of infection or illness, but without restricting their movements.

"Premises" - That physical portion of a building or other structure and its environs so designated by the Director of the Illinois Department of Public Health, his authorized representative, or the local health authority.

"Quarantine" - ~~The limitation of freedom of movement of such well persons, or domestic animals, as have been exposed to a communicable disease, for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent effective contact with those not so exposed.~~ Restriction of the activities of well persons or animals who have been exposed to a case of communicable disease during its period of communicability (i.e., contacts) to prevent disease transmission during the incubation period if infection should occur.

"Sensitive Occupation" - An occupation involving the direct ~~patient~~ care ~~or care~~ of others, especially young children and the elderly, or any other occupation so designated by the Illinois Department of Public Health or the local health authority.

"Susceptible (non-immune)" - A person who is not known to ~~have become immune by natural or artificial processes to the particular communicable disease in question.~~ possess sufficient resistance against a particular pathogenic agent to prevent contracting infection or disease if or when exposed to the agent.

"Suspect case" - A person whose medical history or symptoms suggest that he or she may have or may be developing a communicable disease.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

SUBPART E: GENERAL PROCEDURES

Section 690.1000 General Procedures for the Control of Communicable Diseases

These procedures are intended for use in homes and similar situations. This Subpart does not apply to Sexually Transmissible Diseases. Sexually Transmissible Diseases are regulated under 77 Ill. Adm. Code 693. Hospital and long term care facility personnel will find helpful, authoritative and detailed procedures for most diseases in "CDC Guidelines for Isolation Precautions in Hospitals" as updated by

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"Recommendations for Prevention of HIV Transmission in Healthcare Settings", published by the Centers for Disease Control (August 21, 1987). This manual and updates are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

a) Isolation

1) Establishment. Upon being informed of the existence of a case, of a carrier, or of a suspected case or carrier of a communicable disease, the local health authority having jurisdiction over the area in which the patient is located shall immediately establish isolation of the patient when such isolation for the specific disease is required by these rules and regulations. When the case, carrier, or suspected case or carrier is hospitalized, the isolation procedures shall comply with those outlined in "CDC Guidelines for Isolation Precautions in Hospitals" as updated by "Recommendations for Prevention of HIV Transmission in Healthcare Settings," published by the Centers for Disease Control (August 21, 1987).

2) Duration. Isolation shall he maintained for the minimum period of time required for the specific disease hy these rules and by the CDC Guidelines mentioned above. When rules for specific diseases differ from the content of the CDC Guidelines mentioned above, the rules will ~~control~~ prevail.

3) Termination. Isolation required for the specific disease by these rules and regulations may be terminated only by the local health authority having jurisdiction over the area in which the patient is located or by the Illinois Department of Public Health.

b) Quarantine

1) Establishment. Quarantine of contacts to a case, a carrier, or a suspected case or carrier of a communicahle disease shall immediately be established by the local health authority having jurisdiction over the area in which the contacts reside when such quarantine is required for these specific diseases: diphtheria (Section 690.380), plague (Section 690.570), smallpox (Section 690.650), and typhus (Section 690.740).

2) Duration. Quarantine of contacts shall he maintained for the minimum period of time required for the specific disease by these rules.

3) Termination. Quarantine may he terminated only by the local health authority having jurisdiction over the area in which the contacts reside or the Illinois Department of Public Health.

c) Investigation

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1) Each case of communicable disease shall be investigated to determine the source, where feasible.

2) When two or more cases of communicable disease occur in association with a common source, the investigation should include a search for additional cases.

3) Investigations of outbreaks shall be summarized in a final report and submitted to the Illinois Department of Public Health.

d) Placarding

1) Placarding is rarely, if ever, necessary, and should be considered only in unusual and compelling circumstances when isolation, quarantine, examination or treatment of a case, carrier or suspect of a communicable disease is necessary and cannot otherwise be implemented.

2) If placarding is determined to be necessary, the following rules shall apply:

A) The local health authority having jurisdiction over the area in which said case, carrier or suspected case or carrier is isolated shall post a placard in a conspicuous place at each outside entrance of the premises wherein the person is isolated. (However, if the patient is isolated in a hospital in the manner prescrihed by these rules, a placard need not be posted.)

B) The placard shall be not less than six by ten inches in size, and shall have printed thereon, in letters not less than 1 1/2" in height the words "Keep Out". At the hottom of the card shall appear these words in small type: "All persons who violate these rules subject themselves to a fine not to exceed $200.00 for each offense, or imprisonment in the county jail not to exceed six months, or both."

C) Whenever the premises wherein contacts are under quarantine are placarded, the placard shall be as descrihed above, except the name of the disease need not be stated.

D) Placards shall not be concealed from public view, shall not be mutilated or defaced, and shall remain posted until the requirements of these rules relative to the duration of the period of isolation or quarantine for the specific disease have been fulfilled.

E) Placards may be removed only hy order of the local health authority having jurisdiction over the area where the case, carrier or contact is isolated or quarantined.

e) Disinfection

1) Concurrent disinfection as required by these rules shall be carried out.

A) Disposable articles freshly soiled by discharges from the eyes, ears, nose, throat, and skin lesions shall be incinerated, if incineration is available. Otherwise, these articles shall be placed in leak-proof containers for disposal in an approved landfill.

B) Food from the sick room shall not be used by anyone except the patient. Solid food wastes may be put in the garbage can or garbage disposal. Liquid food wastes may be emptied into the kitchen sink.

C) Thermometers, rectal tubes, douche nozzles, etc., shall be washed with soap and water after each use. When not in use, thermometers shall be disinfected ~~as described in subsection 690.1000(d)(2)(A)~~.

D) The following procedure will not be deemed necessary where public sewage disposal facilities are used or where private sewage disposal is determined by the local health authority to be adequate. In all other instances, bowel and bladder discharges shall be disinfected by adding carbolic acid or cresol or other equally effective disinfectant and stirring the mixture until all parts have been thoroughly mixed with the disinfecting agent. This mixture shall be allowed to stand, protected from flies, for 30 minutes before being discharged into a sewer, septic tank or privy vault. Solid stool shall have one pint of water added and then treated as previously described in this paragraph.

E) Bedpans and urinals shall be cleaned using soap and water after each use.

2) Terminal cleaning, as required by these rules, shall be carried out at the termination of the period of isolation. Bedsteads, chairs and other parts of the room likely to come in contact with secretions shall be thoroughly cleaned with water, soap or detergent, and disinfectant.

f) Control of Milk, Milk Products and Other Food Stuffs. ~~1)~~ Whenever a case, a carrier, or a suspected case or carrier of the following diseases exists in the home of a distributor, or on any farm or dairy producing milk, cream, butter, cheese or other foods likely to be consumed raw, the sale, exchange, removal or distribution of such food items from such home, farm or dairy may be prohibited as deemed necessary by the Illinois Department of Public Health or the local health authority to prevent the transmission of communicable diseases.

~~A~~1) Amebiasis
~~B~~2) Cholera

~~C) Diarrhea of the newborn~~
~~D~~3) Diphtheria
~~E~~4) ~~Enteropathogenic~~ *E. coli* infections due to serotype O157:H7
~~F~~5) Foodborne or waterborne illness ~~(staphylococcal intoxications)~~
~~G~~6) Giardiasis
~~H~~7) Hepatitis A
~~I~~8) Hepatitis, viral unspecified
~~J~~9) Intestinal worms
~~K~~10) Salmonellosis
~~L~~11) Shigellosis
~~M~~12) Smallpox
~~N~~13) Streptococcal infections
~~O) Tuberculosis~~
~~P~~14) Typhoid fever

~~2) Exists in the home of a distributor, or on any farm or dairy producing milk, cream, butter, cheese or other foods likely to be consumed raw, the sale, exchange, removal or distribution of such food items from such home, farm or dairy may be prohibited as deemed necessary by the Illinois Department of Public Health or the local health authority to prevent the transmission of communicable diseases.~~

g) School and Day Care Centers

1) When a case of communicable disease occurs in a school or day care center, this fact should not be considered a reason for the facility to be closed, except in the event of ~~a great~~ an emergency.

2) Children suspected of being infected with a reportable infectious disease for which isolation is required shall be refused admittance to the facility while acute symptoms are present.

3) School and day care center authorities shall handle contacts of infectious disease cases in the manner prescribed in these rules and regulations, or as recommended by the local health authority.

h) Release Specimens

Whenever these rules require the submission of laboratory specimens for release from isolation or quarantine, the results of such examinations will not be accepted unless the specimens have been examined in a laboratory of the Illinois Department of Public Health or in a laboratory acceptable to the Illinois Department of Public Health for the specific tests required. To determine if a given private laboratory is acceptable, specific inquiry of the Illinois Department of Public Health ~~laboratory~~ must be made. The number of specimens needed for release, as detailed under specific disease, is minimum and may be

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increased when deemed necessary by the Illinois Department of Public Health.

i) Hospitalization

1) If proper isolation of the patient cannot be accomplished in the home, hospitalization may be required by the Illinois Department of Public Health or the local health authority. Neither public health agency shall bear the cost of such hospitalization.

2) Every person who has a contagious or communicable disease and is ordered by the Director of the Illinois Department of Public Health or by the local health authority to be isolated in conformity with the rules of the Illinois Department of Public Health immediately comply with such order and be so isolated until such time as the Director of the Illinois Department of Public Health or local health authority shall certify him to be no longer a danger to the public health.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

Section 690.1010 Incorporated Materials

a) The following materials are incorporated or referenced in this Part:

1) "CDC Guidelines for Isolation Precautions in Hospitals", U.S. Department of Health and Human Services ~~(HHS)~~, Public Health Service, Centers for Disease Control ~~(CDC)~~, Atlanta, Georgia 30333, HHS Publication No. (CDC) 83-8314~~.~~ (1983). ~~(See Sections 690.370, 690.570, 690.580, 690.620, 690.660, and 690.1000).~~

2) "Recommendations for Prevention of HIV Transmission in Health-Care Settings", U.S. Department of Health and Human Services, Public Health ~~Services~~ Service, Centers for Disease Control ~~(CDC)~~, Atlanta, Georgia~~,~~ 30333~~,~~ (Morbidity and Mortality Weekly Report (MMWR), August 21, 1987, Vol. 36, No. S2, pages 3S-18S). ~~(See Sections 690.370, 690.570, 690.580, 690.620, 690.660, 690.1000 and 690.1200(e)).~~

3) ~~"Recommendation for Protection Against Viral Hepatitis," Recommendation of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Center for Disease Control, Atlanta, Georgia, 30333 (June 1, 1985, Vol. 34, No. 22, pages 313-324, 329-335) (See Section 690.450).~~

"Protection Against Viral Hepatitis", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), February 9, 1990, Vol. 39, No. RR-2, pages 1-26).

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4) "Guidelines for Prevention of TB Transmission in Hospitals," U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia 30333. (Revised April 1983) (See Section 690.720)

5) "Treatment of Tuberculosis Infection in Adults and Children" (1986) and "Control of Tuberculosis" (1983) American Thoracic Society Medical Section of the American Lung Association of Illinois, 1 South Christmas Seal Drive, Springfield, Illinois 62703~~)~~. (See Section 690.720)

6) "General Recommendations on Immunization," ~~Recommendation of the Immunization Practices Advisory Committee,~~ Recommendations of the Advisory Committee on Immunization Practices, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia~~,~~ 30333 ~~(January 14, 1983, Vol. 2, No. 1, pages 1-17~~ (Morbidity and Mortality Weekly Report (MMWR), January 28, 1994, Vol. 43, No. RR-1, pages 1-38). (See Sections 690.620(d)(1), 690.690(d)(1) and 690.750(a))~~.~~

7) Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987. (See Section 690.450)~~.~~

8) "Diseases Transmitted by Foods", U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (1982, Second Edition).

9) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures", U. S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), July 12, 1991, Vol. 40, No. RR-8, pages 1-9).

10) "Hepatitis B Virus: A Comprehensive Strategy for Eliminating Transmission in the United States Through Universal Childhood Vaccination", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), November 22, 1991, Vol. 40, No. RR-13, pages 1-25).

11) "*Haemophilus* b Conjugate Vaccines for Prevention of *Haemophilus influenzae* Type b Disease Among Infants and Children Two Months of Age and Older", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), January 11, 1991, Vol. 40, No. RR-1, pages 1-7).

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12) "Rabies Prevention - United States, 1991", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), March 22, 1991, Vol. 40, No. RR-3, pages 1-19).

b) All citations to federal regulations in this Part concern the specified regulations in the 1987 Code of Federal Regulations, unless another date is specified.

c) All incorporations by reference of federal regulations and the standard of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM COMMUNICABLE DISEASES

Section 690.1200 Death of a Person Who Had a Known or Suspected Communicable Diseases

UPON THE DEATH OF A PERSON WHO HAD OR IS SUSPECTED OF HAVING AN INFECTIOUS OR COMMUNICABLE DISEASE or who was known to be a carrier or known to be subclinically infected with a disease THAT COULD BE TRANSMITTED THROUGH CONTACT WITH THE PERSON'S BODY OR BODILY FLUIDS, THE BODY SHALL BE LABELED "INFECTION HAZARD", OR WITH AN EQUIVALENT TERM TO INFORM PERSONS HAVING SUBSEQUENT CONTACT WITH THE BODY, INCLUDING ANY FUNERAL DIRECTOR OR EMBALMER, TO TAKE SUITABLE PRECAUTIONS.

a) THE LABEL SHALL BE PROMINENTLY DISPLAYED ON AND AFFIXED TO THE OUTER WRAPPING OR COVERING OF THE BODY IF THE BODY IS WRAPPED OR COVERED IN ANY MANNER.

b) RESPONSIBILITY FOR SUCH LABELING SHALL LIE WITH THE ATTENDING PHYSICIAN or coroner WHO CERTIFIES DEATH, OR IF THE DEATH OCCURS IN A HEALTH CARE FACILITY, WITH SUCH STAFF MEMBER AS MAY BE DESIGNATED BY THE ADMINISTRATOR OF THE FACILITY. ~~(P.A. 85-682, effective January 1, 1988.)~~ (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 22.05) [20 ILCS 2305/7]

c) Suitable precautions consist of following the guidelines of CDC "Recommendations for Prevention of HIV Transmission in Health-Care Settings." (See Section 690.1010(a)(2))

(Source: Amended at 18 Ill. Reg. _____, effective JUL 15 1994)

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Section 690.1210 Funerals (Repealed)

~~a) When a death from smallpox has occurred, a public funeral shall not be held from the residence of the deceased. Home contacts are to remain under quarantine beyond the termination of the case. However, in such instance a private funeral from the premises may be held, provided it is attended only by the occupants of the premises and persons necessary for the conduct of the funeral.~~

~~b)~~

~~1) Contacts under quarantine may follow the remains to the grave in a closed car provided they do not leave the car nor come in contact with any person enroute or at the cemetery.~~

~~2) Following the services they shall return immediately to their home.~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUL 15 1994)

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Section 690.EXHIBIT A Typhoid Fever Agreement (Repealed)

~~_____, Ill.~~
~~Date _____~~

~~Illinois Department of Public Health~~

~~Springfield, Illinois~~

~~Gentlemen:~~

~~I, _____, have this day been informed that my feces and urine contain typhoid bacilli and that, unless special precautions are taken, other persons may get typhoid fever from me, directly or indirectly. Realizing this danger, I agree to observe the precautions which are required by the Illinois Department of Public Health. However, I request that I be permitted to remain in free communication with other persons as long as I comply with certain requirements necessary for the protection of the public health. These requirements, which follow, have been made clear to me and I fully understand them.~~

~~(1) I agree not to have anything to do with the production or handling of food, milk, milk products or drinks of any kind, not with the preparation or cooking of foods which are to be consumed by others, not to serve as an attendant in any capacity that would require the same (nurses, etc.). I agree to wash my hands thoroughly with soap and water before each meal and come as little as possible in contact with food that is consumed by others. Likewise, I agree not to go to the icebox or refrigerator in which food to be consumed by others is kept. (This rule need not apply to the housewife, who is a carrier, thirty days after all members of her family have been immunized with the recommended primary immunization against typhoid, or have received a booster injection within the past three years. It shall be provided and agreed that the housewife will not cook or serve food to others than her immediate immunized family. The housewife agrees not to served food to visitors.)~~

~~(2) I agree that all dejecta (feces and urine) not passed into a toilet flushed with water and connected with the city sewer or a properly functioning, privately maintained septic system will be disinfected by me with a good disinfectant solution, such as chloride of lime, carbolic acid or cresol. I also agree to have readily available an adequate supply of suitable disinfectant for disinfecting any dejecta when a flush closet is not accessible. If I have an outdoor toilet, I agree to make it leach proof and fly proof.~~

~~(3) I agree to take every precaution possible to avoid soiling, either directly or indirectly, my hands or anything else with my dejecta. I agree to disinfect my underclothing with a suitable liquid disinfectant before sending it to the laundry.~~

~~(4) Each time after using the toilet, I agree to wash my hands with plenty of soap and water and to dry my hands well. Also, I agree not to permit others to use my soap and towels.~~

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~~(5) I agree not to bathe in any pool or other body of water frequented by other persons.~~

~~(6) I agree to inform the local health authority and the Illinois Department of Public Health at Springfield of any contemplated change from my present address at least two weeks prior to the move.~~

~~(7) If I violate any of the above restrictions or endanger the public health in any way, I understand that I shall lose the privileges granted me under this modified isolation, that I shall be isolated, that the premises will be placarded and that I shall be subject to prosecution.~~

~~(8) I understand that I shall be subject to contact by a representative of the Illinois Department of Public Health to ascertain whether or not I have lived up to the restrictions imposed by the agreement, which I hereby sign.~~

~~Signed _____~~
~~(Patient)~~

~~Permission is hereby granted to _____ to mingle with the public at large and to resume his or her usual occupation as _____ (but not as a food handler or caring for the ill, the elderly, or the very young, other than members of his or her household, or other occupations which may in the future be designated), as long as he or she complies with the foregoing restrictions.~~

~~Signed _____~~
~~(Title)~~

~~Health Jurisdiction _____~~
~~Dated _____~~

~~Approved _____~~
~~Illinois Department of Public Health~~

~~Dated _____~~

(Source: Repealed at 18 Ill. Reg. _____, effective JUL 15 1994)

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NOTICE OF ADOPTED RULES

1) Heading of the Part: Public Use of DORS Facilities

2) Code Citation: 89 Ill. Adm. Code 546

3) Section Numbers: 546.10 — Adopted Action: New

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434 [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

5) Effective Date of Rule(s) (Amendments, Repealer): JUN 17 1994

6) Does this rulemaking contain an automatic repeal date?
___ Yes _X_ No

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: JUN 17 1994

9) Notice of Proposal Published in Illinois Register:

February 4, 1994, 18 Ill. Reg. 1784
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following:

A) Statement of Objection: _____, ___Ill. Reg.____
(issue date)

B) Agency Response: _____, ___Ill. Reg._____
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: JCSR technical changes

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers	Proposed Action	Illinois Register Citation

15) Summary and Purpose of Rule(s): This is a new rule developed to address the requests DORS receives to use meeting rooms, gymnasiums, and various other facilities by the public. Subsection 546.10 a) details the conditions that must be met prior to granting a request for the use of a DORS Facility. Subsection b) deals with the liability issue. Subsection c) details the responsibilities of the inidividual(s) expenses, and liabilities resulting from the use of the Facility.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

TITLE 89: SOCIAL SERVICES
SUBTITLE A: GENERAL PROGRAM PROVISIONS
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

PART 546
PUBLIC USE OF DORS FACILITIES

Section
546.10 Public Use of DORS Facilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434 [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 18 Ill. Reg._____, effective JUN 17 1994.

Section 546.10 Public Use of DORS Facilities

a) DORS operated facilities may be used by persons groups or organizations at the discretion of DORS and under the following conditions:

1) a request to use a facility should be submitted in writing to the Superintendent/Office Manager of that facility at least two weeks in advance of the requested date(s); the request must detail the intended use and specify the part or parts of the facility needed;

2) the activity and reservation time must be approved, in writing, by the school Superintendent/Office Manager or his/her designee;

3) groups and organizations must designate an adult who is responsible for the group or organization;

4) the requestor(s) shall adhere to guidelines and regulations of this Section, established by DORS concerning conduct and activities while on the premises and agree that its activities will not interfere with normal operations of the DORS facility;

5) the requestor(s) must sign an agreement prior to utilizing the facility that indicates:

A) compliance with applicable State laws prohibiting the use of alcoholic beverages, illegal drugs, fireworks, explosives, guns, weapons and gambling on State property;

B) agreement to return the facility to the condition it was in prior to the group's use. If any cleanup expense is incurred by DORS, fees will be charged to the group or responsible person. The school Superintendent/Office Manager or his/her designee will determine if this requirement has been met by the person, group or organization; and

C) understanding that DORS will not provide security.

6) proposed use of the facility shall not conflict with the provision of any lease held by DORS; and

7) any requestor(s) using the facility must pay all activity expenses incurred directly and not through DORS.

b) The requestor(s) shall indemnify and hold harmless DORS and the State of Illinois for any loss DORS or the State may sustain related to the use of the facility by the person, group or organization. The person, group or organization will be asked to demonstrate it has liability insurance that is adequate for the type of event it is conducting and be asked to name DORS as an additional insured on its insurance policy. The Superintendent/Office Manager shall determine the amount and type of insurance required based on the type of activity and number of people to be involved. Any questions regarding type and amount of coverage shall be referred to DORS Legal Division for final determination.

c) Requestor(s) using a DORS' facility shall not damage, deface, destroy, remove or injure in any way the State property being used. All persons, organizations, and groups will be responsible for all costs, expenses, damages and liability resulting from such damage, defacement, destruction, removal or other injury to State property.

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d) DORS may contract with local election boards to allow use of its facilities as accessible polling places during local, state, and national elections. These agreements will be entered at the discretion of the Director if such use does not violate any local agreements and/or leases DORS may have for that property.

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program

2) Code Citation: 23 Ill.Adm.Code 2771

3)

Section numbers:	Adopted Action:
2771.30	Amended
2771.App.A	Amended

4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act (Ill. Rev. Stat. 1989, ch. 144, par. 2408)[110 ILCS 947/75].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1102

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The only change in this rulemaking was made in response to the request of the Administrative Code Division (i.e., adding a source note to the appendix).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: Section 2771.30(d)(1) now contains an illustrated example of how the proceeds of bonds cannot exceed $25,000 in any given year. This example was added for the convenience of our clients. Section 2771.30(d)(2) has been added to codify one of ISAC's policies which limits the benefits of this program

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to the beneficiary's cost of attendance. Another example has been added to Section 2771.30(d)(2) for the benefit of our clients. Finally, the table of grant amounts has been updated to include more recent bond issues.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2771
COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section
2771.10 Summary and Purpose
2771.20 Definitions
2771.30 Program Procedures
2771. APPENDIX A Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act (Ill. Rev. Stat. 1989, ch. 144, par. 2408) [110 ILCS 920/8 and 947/75].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2771.30 Program Procedures

a) Application Procedures

1) Applications for a Bonus Incentive Grant (BIG) shall be available from the Illinois Student Assistance Commission (ISAC) and Eligible Institutions.

2) A complete application for BIG assistance shall include certifications from: the Qualified Bond Holder(s), the Student Beneficiary and the Registrar of the Eligible Institution at which the Student Beneficiary is Enrolled.

3) A Qualified Bond Holder or a Student Beneficiary may submit a BIG application at any time between August 1st and May 30th for a grant spanning that same Academic Year. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.

4) ISAC may require applicants to provide documentation verifying that the Qualified Bond Holder owned the bonds for the requisite length of time.

b) Application certifications

1) The Qualified Bond Holder(s) shall certify the following for the academic year in which the application is being submitted:

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A) that the aggregate Compound Accreted Value at maturity of the College Savings Bond(s) was not more than $25,000;

B) that at least 70 percent of the proceeds of the College Savings Bond(s) have been or will be used for Educational Expenses incurred by the Student Beneficiary;

C) the name of the Student Beneficiary;

D) that no other student has been designated as the Student Beneficiary for the same College Savings Bond; and

E) the date on which the bond(s) were acquired and the date on which the bond(s) matured.

2) The Student Beneficiaries shall certify the following:

A) that their address, Social Security Number and other identifying information is accurate;

B) that the Qualified Bond Holder has provided financial assistance, in the amount indicated on the application, for Educational Expenses incurred at an Eligible Institution;

C) that they are enrolled in an academic program that is eligible for BIG assistance; and

D) that they will use their BIG proceeds to finance Educational Expenses.

3) The Registrar at the Eligible Institution shall certify the enrollment status of Student Beneficiaries.

c) BIG proceeds will be paid to Eligible Institutions; however, they may be remitted directly to the Student Beneficiary if the Eligible Institution designates ISAC as its disbursing agent for this purpose.

d) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:

1) the Compound Accreted Value of the bonds shall not exceed $25,000 in any given academic year~~.~~;

Example: A BIG could not be claimed for more than 5 bonds of $5,000 Compound Accreted Value each in any given year. Even if 12 bonds of $5,000 Compound Accreted Value each, or $60,000 total, had been

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purchased on behalf of a beneficiary, a BIG could be paid only for the first $25,000.

2) 70 percent of the Compound Accreted Value of the bonds for which a BIG is being claimed in a given academic year does not exceed the beneficiary's cost of attendance at an Eligible Institution for that year.

Example: The beneficiary's cost of attending University A is $14,000. Since $14,000 is 70 percent of $20,000, a BIG could not be claimed for bonds with a Compound Accreted Value in excess of $20,000. Even if 5 bonds of $5,000 Compound Accreted Value each, or $25,000 total, had been purchased on behalf of the beneficiary, in this case a BIG could be paid only on the first $20,000.

e) Both the proceeds of the bond(s) and the BIG assistance must be used by the Student Beneficiary in the Academic Year in which the bond was redeemed or in the academic year immediately following redemption.

f) Applicants may request that their eligibility for ISAC gift assistance be recalculated to exclude up to $25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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Section 2771.APPENDIX A - Table of Grant Amounts

GRANT AMOUNT PER $5000 COMPOUND
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	~~1/13/88~~ 1/88 Bond Sale	~~9/14/88~~ 10/88 Bond Sale	~~10/10/89~~ 10/89 Bond Sale	~~10/16/90~~ 10/90 Bond Sale	~~9/13/91~~ 10/91 Bond Sale
1991	-	-	$ 40	-	-
1992	-	-	$ 60	$ 40	-
1993	$100	$100	$ 80	$ 60	$ 40
1994	$120	$120	$100	$ 80	$ 60
1995	$140	$140	$120	$100	$ 80
1996	$160	$160	$140	$120	$100
1997	$180	$180	$160	$140	$120
1998	$200	$200	$180	$160	$140
1999	$220	$220	$200	$180	$160
2000	$240	$240	$220	$200	$180
2001	$260	$260	$240	$220	$200
2002	$280	$280	$260	$240	$220
2003	$300	$300	$280	$260	$240
2004	$320	$320	$300	$280	$260
2005	$340	$340	$320	$300	$280
2006	$360	$360	$340	$320	$300
2007	$380	$380	$360	$340	$320
2008	$400	$400	$380	$360	$340
2009	-	-	$400	$380	$360
2010	-	-	$420	$400	$380
2011	-	-	-	$420	$400
2012	-	-	-	-	$420

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Section 2771.APPENDIX A - Table of Grant Amounts (continued)

GRANT AMOUNT PER $5000 COMPOUND
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale
1994	$40	-
1995	$60	$40
1996	$80	$60
1997	$100	$80
1998	$120	$100
1999	$140	$120
2000	$160	$140
2001	$180	$160
2002	$200	$180
2003	$220	$200
2004	$240	$220
2005	$260	$240
2006	$280	$260
2007	$300	$280
2008	$320	$300
2009	$340	$320
2010	$360	$340
2011	$380	$360
2012	$400	$380
2013	$420	$400
2014	-	$420
2015	-	$440

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* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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1) The Heading of the Part: Federal Family Education Loan Program (FFELP)

2) Code Citation: 23 Ill.Adm.Code 2720

3)

Section numbers:	Adopted Action:
2720.6	Amended
2720.10	Amended
2720.20	Amended
2720.30	Amended
2720.35	Added
2720.40	Amended
2720.41	Amended
2720.42	Amended
2720.50	Amended
2720.55	Amended
2720.70	Amended
2720.80	Amended
2720.90	Amended

4) Statutory Authority: Implementing Section 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1013

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The changes made in this rulemaking, in addition to the minor technical corrections suggested by the Administrative Code Division, include: In Section 2720.41(a)(1)(C) the reference to ISAC has been deleted since this agency will not absolutely require, but will urge, lenders to purchase defaulted

loans in ISAC's possession. Section 2720.42(a)(3) has been changed so that PLUS loans are treated the same as Stafford loans. Section 2720.50(e)(1) has had language added to include electronic funds transfers. Section 2720.50(g) has been amended to correspond with a change in federal law which requires that repayment schedules and disclosure statements be sent to borrowers between the 30th (not 60th) and 240th day before the first payment is due. Section 2720.80(c) has been updated to accurately reflect transactions involving electronic funds transfers.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Please note that a variety of amendments have been made to this Part in response to a number of legislative and regulatory changes at the federal level. The sources include, but are not limited to, final regulations adopted for the Federal Family Education Loan Program at 34 CFR 682, which appeared in the Federal Register on December 12, 1992; additional direction and clarification from the U.S. Department of Education regarding the Higher Education Amendments of 1992 (P.L. 102-325) which is commonly known as "Reauthorization"; the Omnibus Budget Reconciliation Act of 1993 (P.L.103-66), which is commonly known as the Student Loan Reform Act, and the Higher Education Technical Amendments of 1993 (P.L. 103-208), which became effective on December 20, 1993.

The definition of "SLS," the acronym for the Federal Supplemental Loans for Students Programs, is contained in Section 2720.5. That definition has been modified in accordance with the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), which merged the SLS program into the unsubsidized Federal Stafford Loan program. Section 2720.10(a) has been amended to incorporate changes in the student loan application process. Section 2720.10(b)(5) has been added to ensure that all of our clients are aware of the fact that renewal borrowers remain eligible for ISAC-guaranteed loans. Section 2720.10(f) has been updated to comply with recent changes to annual and aggregate loan limits made by the Technical Amendments of 1993. Section 2720.10(f)(2) now includes a reference to the applicable federal regulation. Section 2720.10(g) has had the references to SLS loans deleted so that it agrees with the change in Section 2720.5. Section 2720.20(a)(1) now requires that lenders wishing to serve as lenders of last resort (LLR) sign separate agreements because the program requirements are slightly different for LLR loans (e.g., one hundred percent reinsurance, LLR loans are not counted in lender default rates, etc.). Section 2720.30(g) has been changed because educational

institutions located outside of this state may also apply for eligibility in ISAC-guaranteed loan programs, if they serve Illinois students. Section 2720.35 has been added so that ISAC's rules contain requirements for holders as well as lenders and educational institutions. Section 2720.40(a) has been updated to reflect the common application form used by guarantors across the country. Section 2720.40(c) has been added to outline the procedures used by students wishing to obtain subsidized Stafford loans from lenders of last resort. Section 2720.40(f) has been changed because the standardized common application/promissory note has no place for comakers or cosigners. Section 2720.41(a)(1)(D) has been deleted since its requirements are redundant to eligibility reinstatement provisions contained in ISAC's General Provisions at 23 Ill. Adm. Code 2700.40(a)(1)(A)(2). Section 2720.41(b)(4) has been added since lender of last resort loans are an exception to ISAC's "one-lender" rule. Section 2720.42(a)(1) contains modified time frames to better coordinate the repayment disclosures with the new holder, thereby relieving the originating lender of the obligation to make repayment disclosures prior to the sale of a loan. Section 2720.50(e)(1) now provides for electronically transmitted funds. Additionally, references to SLS loans have been deleted since no new SLS loans can be originated after July 1, 1994. Section 2720.50(e)(2) has been changed so that it complies with new federal late disbursement policies. Section 2720.55(e) has been added so that ISAC rules comply with the federal Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), which requires that holders pay the U.S. Department of Education an interest rebate fee for all federal consolidation loans. Section 2720.70(a) has been clarified since deceased borrowers cannot request loan forgiveness. Section 2720.70(b) has been amended so that ISAC rules do not conflict with the new federal risk-sharing requirements contained in Section 428(c) of the Higher Education Act, as amended. Section 2720.70(c) has been changed so that ISAC rules comply with federal regulations, which require that lenders seek default reimbursement only on dischargeable bankruptcies and Chapter 11, 12 and 13 bankruptcies, and the 1992 amendments to the Higher Education Act, which require that lenders seek reimbursement on all bankruptcies. Also, the words "collection on" have been added since it is the collection activities that are stayed during the pendency of a bankruptcy proceeding and not the debt itself. In Section 2720.70, (d) and (e) have been split since the former outlines what must be certified at the time a default claim is filed and the latter discusses what a lender or holder must have done much earlier in the life of the loan. Section 2720.70(f) has been updated in accordance with the new single common application/promissory note (which will be used for all loan programs) since different types of loans may go into repayment at different times. Section 2720.70(i) has been amended to include a number of collection tools outlined in federal regulations. Section 2720.80(b) has been changed in accordance with the Omnibus Budget Reconciliation Act of 1993, which has decreased the maximum allowable insurance premium from 3 to 1 percent of the principal amount of the loan. Section 2720.80(c) has been updated in accordance with the advent of electronic fund transfers. The amendments to Section 2720.90 are merely technical in nature.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	
2720.5	Summary and Purpose
2720.6	Definitions
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Institution Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Preclaim Assistance
2720.70	Reimbursement Procedures
2720.80	Student Insurance Premium
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)

2720.App. A	Required Activities of Educational Lenders

AUTHORITY: Implementing Section 80 through 175 of the Higher Education Student Assistance

Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060; effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendments at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.6 Definitions

"Academic Year" - For the purposes of this Part, is defined at Section 481(d)(2) of the Higher Education Act, as amended, and at 34 CFR 668.2.

"Co-maker" - One of the two individuals who are joint borrowers on a Federal PLUS Program loan and who are equally liable for repayment of the loan. (See 34

CFR 200.)

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA, as amended.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.

"Delinquency " - For the purposes of this Part, is defined at 34 CFR 682.411(b).

"Disbursement" - The process of transferring funds from the Lender to the borrower. Educational Institutions participate in the Disbursement process.

"Educational Lender" - An educational Institution which meets the Lender eligibility criteria outlined in Section 2720.25.

"Endorser" - A signer of a promissory note who is secondarily liable for the repayment of a loan obligation.

"Federal Regulations" - Regulations promulgated by ED and codified at 34 CFR 668 and 682.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford loans, Federal PLUS loans, Federal SLS loans, and Federal Consolidation loans.

"Full-time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Half-time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as commercial and Educational Lenders or secondary markets and may purchase ISAC-Guaranteed Loans from approved Lenders. ISAC's Illinois Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SLMA) are examples of approved Holders.

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NOTICE OF ADOPTED AMENDMENTS

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law~~.~~ (Ill. Rev. Stat. 1991, ch. 144, pars. 3125 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/125 through 170].

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended~~.~~ (20 U.S.C.A. 1085).

"PLUS" - A Federal program which provides loans to Parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act~~.~~ (Ill Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175].

"SLS" - The acronym for the Federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and Sections 80 through 175 of the Higher Education Student Assistance Act~~.~~ (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]. No new SLS Loans shall be made for periods of enrollment beginning on or after July 1, 1994. The SLS Program has been merged into the unsubsidized component of the Stafford Loan Program and will no longer exist as a separate program. All conditions and benefits applicable to existing SLS Loans will continue for those loans. Also, to the extent that current unsubsidized Stafford Loans have different conditions and benefits than under the merged program, those loans retain those different conditions and benefits. (See P.L.103-66, commonly known as the Omnibus Budget Reconciliation Act of 1993.)

"Stafford" - Subsidized and unsubsidized Federal Stafford Loans to eligible borrowers, as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 U.S.C.A. 1078) and Sections 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175].

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.10 Eligibility for ISAC Loan Guarantees

a) Applicants may apply for a loan guarantee by submitting a common ~~an ISAC~~ ED-approved application form.

b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations, however, the borrower must be a Resident of the State of Illinois or

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a parent borrowing on behalf of a student enrolled at an approved institution located in Illinois. For purposes of this Part, a borrower is considered eligible if the Applicant:

1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary Institution; or

2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or

3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the Federal PLUS program on behalf of a dependent undergraduate student who is Enrolled at least half-time at an approved postsecondary Institution; or

4) is a qualified parent or legal guardian borrowing through the Federal PLUS program on behalf of a dependent undergraduate student who is Enrolled on at least a half-time basis at an approved postsecondary Institution located in Illinois~~.~~; or

5) had previously received an ISAC-guaranteed loan, despite the fact that s/he did not or no longer meets the residency requirements of this subsection.

c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.

d) An Applicant shall not be disqualified for a loan guarantee by ISAC if the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), of Federal Regulations and of this Subpart.

e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078.)

f) The Institution shall compute a recommended loan amount for each Applicant in accordance with Section 425(a)(1)(C) of the Higher Education Act, as amended. No Guaranteed Loan may exceed the Institution's recommended amount.

1) When certifying loan eligibility for an Academic Year which will span

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Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.

Example: A student desires a Federal Stafford Loan for a two semester period of enrollment beginning August 20, 1993 and concluding May 15, 1994. During the fall 1993 Term the student will be a sophomore and during the spring 1994 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the $3,500 loan permitted sophomore borrowers.

2) Should a student borrow in excess of the permitted loan maximums, ~~the Institution shall terminate~~ the student becomes ineligible ~~student's eligibility~~ for federal financial assistance for that Academic Year. (See Section 484 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1091) and 34 CFR 668.7(a)(9).)

g) An applicant who previously received a Federal Stafford~~,~~ or Federal PLUS ~~or Federal SLS~~ loan may be eligible for a subsequent loan provided that 211 days have passed from the beginning loan term date indicated on the previous loan request to the beginning loan term date on the new loan request. The beginning loan term date must coincide with the start of a Term that is published in the school catalog or official class schedule.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.20 Lender Eligibility

a) Lender Agreement

1) All approved Lenders must execute an ISAC lender agreement prior to participating in the Federal Stafford, Federal PLUS, Federal SLS or Federal Consolidation loan programs. Lenders wishing to serve as Lenders of last resort are required to sign an additional agreement which includes the provisions of Section 428(j) of the Higher Education Act, as amended.

2) Lenders must have received ED approval prior to executing a Lender Agreement.

3) The Lender Agreement shall include provisions requiring Lenders to:

A) Comply with statutes, Federal Regulations, Rules, and procedures;

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and

B) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. (See: Sections 2720.60(a) and 2720.70(c).)

4) Lenders and ISAC may agree to electronically transmit and receive data. ISAC shall provide the Lender with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the Lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.

5) Termination of the Lender Agreement may be made by either the Lender or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

b) Eligible Lenders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules. In determining whether a Lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as Lenders shall require:

1) advertising and promotional materials consistent with Section 761 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 761) [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and

2) compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1028 through 1041) [215 ILCS 5/421 through 434].

d) A loan guarantee shall be canceled if the Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Lender for the defaulted loan.

e) ISAC conducts compliance reviews to determine if approved Lenders are complying with Federal Regulations, statutes and Rules.

f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.30 Institutional Eligibility

a) Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible.

b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-Guaranteed Loan Programs. (See: 34 CFR 668.12 et seq.)

c) When an approved Institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by Federal Regulations, the Institution's Program Participation Agreement with ED may be terminated. The Institution may have eligibility reinstated by the execution of a new Program Participation Agreement with ED (See e.g.: 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED-approved Origination Agreement on file with ISAC and the Institution has been approved as an Educational Lender. (See: Section 2720.25 of this Part and 34 CFR 682.601.)

e) Approved Institutions shall provide ISAC with the current enrollment status of students whom the Institution has certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.

f) Applicant and approved Institutions must demonstrate administrative capability and financial responsibility, as defined by Federal Regulations, in order to begin and

to continue participation in ISAC-Guaranteed Loan programs. (See, e.g.: 34 CFR 668.13 et seq.)

g) Institutions wishing to participate in ISAC-Guaranteed Loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the state in which it operates ~~State of Illinois~~ demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulation and state statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

h) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by Federal Regulations, may be subject to administrative Limitation, Suspension or Termination Proceedings. (See 23 Ill. Adm. Code 2790.)

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.35 Holder Eligibility

a) All approved Holders must execute an ISAC Holder agreement prior to participating in the subsidized and unsubsidized Federal Stafford, Federal PLUS, Federal SLS or Federal Consolidation loan programs.

b) Holders must have received ED approval prior to executing a Holder agreement.

c) The Holder agreement shall include provisions requiring Holders to:

1) Comply with statutes, Federal Regulations, Rules, and procedures; and

2) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. (See: Sections 2720.60(a) and 2720.70(c).)

d) Holders and ISAC may agree to electronically transmit and receive data. ISAC

shall provide the Holder with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the Holder shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.

e) Termination of the Holder agreement may be made by either the Holder or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

f) Eligible Holders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules and Federal Regulations. In determining whether a Holder employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

g) In addition to the provisions of subsection (c), the Holder agreement for insurance companies approved as Holders shall require:

1) advertising and promotional materials consistent with Section 761 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch.73, par.761) [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and

2) compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1028 through 1041) [215 ILCS 5/421 through 434].

h) A loan guarantee shall be canceled if the Holder fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Holder for the defaulted loan.

i) ISAC conducts compliance reviews to determine if approved Holders are complying with Federal Regulations, statutes and Rules.

j) Holders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Holder's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Added at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form ~~furnished or~~ approved by ~~ISAC~~ ED. No alteration or substitution may be used.

b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a notice of non-acceptance ~~Notice of Non-acceptance form~~ to the borrower.

c) Lender of last resort requirements

1) An Applicant who is eligible for a subsidized Stafford loan guarantee pursuant to Section 2720.10 of this Part and who has received two notices of non-acceptance can request that ISAC make a referral to a lender of last resort provided the Applicant:

A) submits a written request for a Lender of last resort loan referral to ISAC, which is accompanied by two notices of non-acceptance issued by ISAC-approved Lenders;

B) receives loan counseling information specifically designed to benefit an Applicant seeking a Lender of last resort loan; and

C) attends an ISAC-approved Institution.

2) ISAC will refer Applicants to Lenders of last resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part within 60 days.

3) ISAC will act as a Lender of last resort or will refer the Applicant to the Student Loan Marketing Association if it cannot refer the Applicant to a Lender of last resort willing to make a subsidized Stafford loan within 60 days.

~~1) Should an Applicant be unable to secure an ISAC-Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.~~

~~2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.~~

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~~approved Lenders that indicate a refusal to approve a loan application.~~

d~~e~~) The availability of an ISAC-Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.

e~~d~~) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f~~e~~) At the Lender's discretion and in accordance with federal regulations, Co-makers may be used for PLUS loans and Endorsers may be used for SLS loans.

~~1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a Federal PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a Federal SLS loan. At the Lender's option, an endorser may be required on any Federal PLUS or Federal SLS loan.~~

~~2) The Lender shall not require a co-maker or an endorser on an unsubsidized or a subsidized Federal Stafford Loan nor accept security for payment thereof.~~

g~~f~~) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

h~~g~~) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended~~.~~ (20 U.S.C.A. 1078-7). Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.41 One-Lender Requirement

a) All of a borrower's outstanding ISAC-Guaranteed Loans must be made by the same Lender, notwithstanding the residency requirements of Section 2720.10(b) of this Part.

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1) ISAC will issue a loan guarantee to a commercial Lender provided that Lender agrees to make all types of Federal Family Education Loans (FFEL) to the borrower which the borrower requests and is eligible to receive, and

A) the loan is the borrower's first ISAC-Guaranteed Loan;

B) the loan is a subsequent loan and the commercial Lender has issued all of the borrower's previous ISAC-Guaranteed Loans; or

C) the loan is a subsequent loan and the commercial Lender holds or has purchased all outstanding ISAC-Guaranteed Loans for that borrower from previous commercial Lender(s), in accordance with Section 2720.42 of this Part~~; or~~.

~~D) the loan is a subsequent loan where the borrower has regained eligibility by making six (6) consecutive payments on a loan that had previously been defaulted and the commercial Lender has purchased the defaulted Loan from ISAC.~~

2) ISAC will issue a loan guarantee to an Educational Lender provided that Lender agrees to make all types of FFEL to the borrower which the borrower requests and is eligible to receive, and

A) the Lender is an educational Institution at which the borrower is currently Enrolled, and

B) the borrower has previously made a good faith effort to obtain a loan from a commercial Lender pursuant to federal regulations. (See 34 CFR 682.601.)

b) The requirements of this Section shall not apply if:

1) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

3) the borrower is requesting a subsequent loan and the Lender has made a previous ISAC-Guaranteed Loan to that borrower for that loan program with a guarantee date prior to July 1, 1993.

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4) the borrower's outstanding loan(s) was made in accordance with Section 2720.40(c) of this Part, by a Lender of last resort.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.42 One-Holder Requirement

a) All of a borrower's outstanding ISAC-Guaranteed Loans must be sold by a Lender to the same Holder.

1) If the Lender has sold any of a borrower's previous ISAC-Guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SLS Loan(s) to an approved Holder, the Lender shall sell all subsequent loans to the same Holder by no later than 90 days ~~prior to the scheduled commencement of repayment of principal and interest, or 60~~ from the borrower's last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the event of untimely notification to the Lender of a student's change in enrollment status, no later than 45 days after the Lender became aware that the student ceased to be enrolled on at least a Half-time basis. (See Section 2720.130(d).)

2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans made for loan periods within the same Academic Year must be sold simultaneously.

3) If the Lender has sold the Applicant's previous ISAC-Guaranteed Federal PLUS Loans to an approved Holder, the Lender shall sell each subsequent Federal PLUS Loan for that borrower to the same Holder by no later than 90 days from the last date of attendance or 180 days following the last disbursement, whichever occurs later; ~~the ending loan term date for that loan;~~ or in the case of a late disbursement, the subsequent loan must be sold within 45 days following disbursement.

b) Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

1) A guarantee may be reinstated if, within 90 days after identifying a loan in violation of subsections (a)(1), (a)(2) or (a)(3) above, the Lender initiates the sale of the loan to the eligible Holder who purchased the Applicant's previous loan(s).

2) Initiation of the sale procedure within 90 days will retroactively reinstate the guarantee to the date the guarantee was lost due to a violation of subsections (a)(1), (a)(2) or (a)(3) above, provided no other violation of federal regulation or State rule exists.

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3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the Holder will also result in a permanent loss of guarantee for that loan.

c) The requirements of this Section shall not apply if:

1) the outstanding loans are held by a Holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Holder's performance and requests that subsequent loans be sold to a different Holder.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.50 Procedures for Disbursement and Repayment

a) Disbursement and repayment procedures are specified in Federal Regulations.

b) Prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.

c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.

d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all disbursement dates through submissions of the Lender manifest/insurance premium invoice system.

e) Federal Stafford~~,~~ and Federal PLUS ~~and Federal SLS~~ loan proceeds shall be transmitted directly to the Institution.

1) Federal Stafford ~~and Federal SLS~~ loan checks shall be payable to the student borrower unless the borrower has authorized, in writing, a co-payable loan check. Federal PLUS loan checks shall be co-payable to the Institution and the parent borrower. Electronically transferred Federal Stafford or Federal PLUS loan funds shall be transmitted by the Lender to

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the Institution along with information identifying the name of each student on whose behalf loan proceeds are being transmitted, and the amount being transmitted on behalf of that student.

2) If the proceeds have not been disbursed to the borrower within ~~ninety~~ sixty days after the conclusion of the Term for which the loan was intended, the loan guarantee will be canceled. ~~ISAC approval is required prior to Disbursement. Factors to be considered by ISAC in evaluating the borrower's Disbursement request include whether the delay in Disbursement was avoidable by the borrower, whether the borrower was familiar with the loan application process through prior ISAC borrowing, whether the borrower had difficulty locating a Lender willing to issue a loan, and other extenuating circumstances (e.g., death in the borrower's family)~~.

3) If the borrower has withdrawn from enrollment and Federal Regulations require the Institution to submit a refund to the Lender, either electronically or ~~the refund shall be~~ in the form of a check payable to the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.

A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.

B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.

C) The penalty interest shall be paid to the Lender or subsequent Holder.

f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder. Unless the borrower requests otherwise, in writing, any prepayment made thereon shall be credited wholly to the principal.

g) The Lender or Holder shall notify the borrower of the date on which the repayment period begins no later than 120 days after the borrower has left the eligible institution. The Lender or Holder shall send a repayment schedule and disclosure statement to a FFELP borrower no less than ~~60~~ 30 days nor more than 240 days before the first payment on the loan is due from the borrower.

h) The Lender or Holder shall notify ISAC of payment in full or prepayment in full by the borrower.

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i) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.

j) Lenders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(D) of the Higher Education Act of 1965, as amended, and by Federal Regulations.

k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations. The borrower(s) shall be responsible for submitting to the Lender a completed deferment agreement and any corresponding documentation.

l) ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.

m) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.55 Federal Consolidation Loan Program

a) ISAC shall guarantee Federal Consolidation loans pursuant to Section 428C of the Higher Education Act of 1965, as amended~~.~~ (20 U.S.C.A. 1078-3).

b) Lenders may make Federal Consolidation loans provided participation in the consolidation loan program is authorized by the Lender Agreement. (See: Section 2720.20(a).)

1) ISAC shall initially authorize a Lender to issue no more than $5,000,000 in guaranteed Federal Consolidation loans.

2) A Lender may receive additional increments of lending authority provided an ISAC compliance review indicates the Lender is complying with Federal Regulations, statutes and Rules. (See: Section 2720.20(f).)

c) All applications and ~~,~~ promissory notes ~~and disclosure statements~~ shall be in a form ~~furnished or~~ approved by ~~ISAC~~ ED. Lenders shall report to ISAC when a consolidation loan is made.

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d) Lenders shall request preclaim assistance and reimbursement on consolidation loans in accordance with Sections 2720.60 and 2720.70.

e) Lenders shall pay the U.S. Department of Education all fees required by Section 428C(f) of the Higher Education Act, as amended, for Consolidation loans made on or after October 1, 1993.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.70 Reimbursement Procedures

a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60 days from the date the Lender or Holder receives a completed request for loan cancellation or forgiveness. ~~of the Lender's receipt of the borrower's loan cancellation request.~~

b) Requests for default reimbursement must be submitted to ISAC no earlier than 180 days after the first date of Delinquency and no later than 270 days after the first date of Delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal Regulations and the Higher Education Act of 1965, as amended. On Federal PLUS loans all co-makers must meet the default criteria contained in Federal Regulations.

c~~b~~) The Lender or Holder must request ISAC reimbursement for a bankruptcy claim in accordance with Federal Regulations and the Higher Education Act of 1965, as amended. (See, e.g.: 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days of the Lender's or Holder's receipt of notice that collection on the debt is stayed. A copy of the restraining order and the appropriate papers must be included. On Federal PLUS loans, all co-makers must meet the bankruptcy criteria.

d~~c~~) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection ~~(f)~~ (h).

e) Prior to reimbursement, the Lender or Holder must have remitted the insurance premium established by Section 2720.80.

f~~d~~) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.

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g~~e~~) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in Section 682.202 (f) and (g) of Federal Regulations, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender.

h~~f~~) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. (See, e.g., 34 CFR 682.411.)

i~~g~~) ISAC shall collect the outstanding amount on the reimbursed Guaranteed Loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of Federal Regulations. ~~litigate or assign the account to a licensed collection agency.~~(See 34 CFR 682.410.)

j~~h~~) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See: 23 Ill. Adm. Code 2700.40(a)(1).)

3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.

4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.80 Student Insurance Premium

a) ISAC charges each borrower an insurance premium on each Guaranteed Loan. The premium is collected by the Lender and must be remitted to ISAC by the tenth day of the second month following Disbursement.

b) The amount of the premium collected on each loan shall be no greater than the maximum permitted by the Higher Education Act, as amended. ~~3 percent of the~~

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~~principal amount of the loan~~. The exact amount of the insurance premium shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the insurance premium shall be determined by resolution of the Commission. When establishing the rate of the insurance premium, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume, and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended~~.~~ (20 U.S.C.A. 1071 et seq.).

c) No refunds of insurance premiums shall be made to the borrower after the loan check has been endorsed by the borrower or, for electronically transmitted funds, the funds have been applied to the individual student's account from the Institution's restricted account, unless the loan check is returned uncashed to the Lender or returned by check or electronically to the Lender, or the loan is repaid in-full within 120 days of disbursement.

d) The insurance premiums shall be deposited in the Student Loan Revolving Fund. In accordance with Federal Regulations, such proceeds may only be used to reimburse Lenders for defaulted Guaranteed Loans, to pay for the administrative expenses of ISAC or to pay the reinsurance fee assessed by the Department of Education.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2720.90 Guarantee Transfers

a) ISAC may transfer loan guarantees to or from another guarantor, as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended (20 USCA 1078(b)), provided:

1) the loan guarantees are insured (see Section 428(b) of the HEA);

2) an agreement has been entered into between ISAC and

A) the other guaranty ~~guarantee~~ agency,

B) an agent of the guaranty ~~guarantee~~ agency, who has been approved by the U.S. Secretary of Education, or

C) the U.S. Secretary of Education or an agent thereof;

3) the transfer has been approved by the Holder of the loan.

b) Notwithstanding any provision of Section 2720.42, regarding all loans being held

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by one Holder, a loan guarantee may be transferred to ISAC from another guaranty ~~guarantee~~ agency.

c) Notwithstanding any provisions of Section 2720.10, regarding residency requirements for eligible borrowers, a loan guarantee may be transferred to ISAC from another guaranty ~~guarantee~~ agency.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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1) The Heading of the Part: Fellowship, Traineeship and Scholarship Programs

2) Code Citation: 23 Ill. Adm. Code 2772

3) Date of Administrative Code Division Review:

4) Headings and Section Numbers of the Part Being Recodified:

23 Ill. Adm. Code 54	Fellowship, Traineeship and Scholarship Programs
54.10	Fellowship and Traineeship Program (Repealed)
54.20	Scholarship Program (Repealed)
54.100	Purpose of Fellowship Program
54.110	Applicant Qualifications
54.120	Application Process
54.130	Awards
54.140	Terms of the Grant
54.200	Purpose of Traineeship Program
54.210	Applicant Qualifications
54.220	Application Process
54.230	Awards
54.240	Terms of the Grant
54.300	Purpose of Mathematics or Science Teacher Scholarship Program
54.310	Applicant Qualifications
54.320	Application Process
54.330	Awards
54.340	Terms of the Scholarship
54.350	Waiver and Deferral of Repayment
54.400	Purpose of the Teacher Shortage Scholarship Program
54.410	Applicant Qualifications
54.420	Application Process
54.430	Awards
54.440	Terms of the Scholarship
54.450	Waiver and Deferral of Repayment
54.500	Purpose of the Equal Opportunity Scholarship Program
54.510	Applicant Qualifications
54.520	Application Process
54.530	Terms of the Scholarship

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54.540	Awards

5) Outine of the Section Numbers and Headings of the Part as Recodified:

23 Ill. Adm. Code 2772	Fellowship, Traineeship and Scholarship Programs
2772.10	Fellowship and Traineeship Program (Repealed)
2772.20	Scholarship Program (Repealed)
2772.100	Purpose of Fellowship Program
2772.110	Applicant Qualifications
2772.120	Application Process
2772.130	Awards
2772.140	Terms of the Grant
2772.200	Purpose of Traineeship Program
2772.210	Applicant Qualifications
2772.220	Application Process
2772.230	Awards
2772.240	Terms of the Grant
2772.300	Purpose of Mathematics or Science Teacher Scholarship Program
2772.310	Applicant Qualifications
2772.320	Application Process
2772.330	Awards
2772.340	Terms of the Scholarship
2772.350	Waiver and Deferral of Repayment
2772.400	Purpose of the Teacher Shortage Scholarship Program
2772.410	Applicant Qualifications
2772.420	Application Process
2772.430	Awards
2772.440	Terms of the Scholarship
2772.450	Waiver and Deferral of Repayment
2772.500	Purpose of the Equal Opportunity Scholarship Program
2772.510	Applicant Qualifications
2772.520	Application Process
2772.530	Terms of the Scholarship
2772.540	Awards

6) Conversion Table of Present and Recodified Parts:

Present Part	Recodified Part

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23 Ill. Adm.. Code 54	23 Ill. Adm. Code 2772
54.10	2772.10
54.20	2772.20
54.100	2772.100
54.110	2772.110
54.120	2772.120
54.140	2772.140
54.200	2772.200
54.210	2772.210
54.220	2772.220
54.230	2772.230
54.240	2772.240
54.300	2772.300
54.310	2772.310
54.320	2772.320
54.330	2772.330
54.340	2772.340
54.350	2772.350
54.400	2772.400
54.410	2772.410
54.420	2772.420
54.430	2772.430
54.440	2772.440
54.450	2772.450
54.500	2772.500
54.510	2772.510
54.520	2772.520
54.530	2772.530
54.540	2772.540

NOTE: This Part is being recodified (transferred) pursuant to the provisions of P.A. 88-228.

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1) The Heading of the Part: General Provisions

2) Code Citation: 23 Ill.Adm.Code 2700

3)

Section numbers:	Adopted Action:
2700.20	Amended
2700.30	Amended
2700.40	Amended
2700.50	Amended
2700.60	Amended

4) Statutory Authority: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3001 et seq.) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.) as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1037

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The only changes made in this rulemaking were those suggested by the Administrative Code Division or were minor and technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to

respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: The words "gift assistance" are defined in this part and have a very specific meaning (i.e., scholarships and grants that do not have to be repaid). The phrase "student assistance programs" applies not only to gift assistance programs but includes the myriad of loan programs as well. The use of these terms has been modified throughout this Part to more accurately reflect their true meaning. In Section 2700.20, the term "concurrent registration" has been simplified for the convenience of our clients, and the definition of "guaranteed loans" has been updated to include subsidized and unsubsidized Stafford loans. In Section 2700.30(a), the word "ISAC" has been inserted in appropriate places to identify the type of contract that must be executed before an institution can participate in ISAC gift assistance programs and to distinguish it from the agreement that must be signed with the U.S. Department of Education for participation in federal student assistance programs. Section 2700.30(b) has been amended to illustrate the fact that institutions are required to maintain the same standards presented in their initial applications in order to continue their eligibility in ISAC gift assistance programs. Such standards include offering programs with transferable credits and maintaining an adequate number of qualified staff persons to administer financial aid programs. Section 2700.30(i)(3) has been changed to parallel the revision in subsection (b). All institutions participating in federal student assistance programs must have periodic audits performed to meet federal financial responsibility standards. Section 2700.30(i)(5) has been added to ensure that ISAC has access to those same financial statements when it reviews new applications for participation in ISAC-administered student gift assistance programs. Section 2700.30(k) has been added to reiterate the fact that institutions must meet federal administrative capability and financial responsibility standards to begin and to continue participation in ISAC-administered student assistance programs. Section 2700.40(a)(1)(A) has been amended to grant students eligibility for ISAC-guaranteed loans when they have reinstated their eligibility for Title IV student assistance programs, and have rehabilitated or made repayment arrangements on previously defaulted loans. Section 2700.40(a)(1)(B) has been added to codify federal requirements which enable borrowers to avail themselves of these default reduction measures on only one occasion during the life of a loan. Section 2700.40 (g) has been changed to more accurately reflect the budget process in Illinois which includes not only an appropriation by the General Assembly but also approval by the Governor. Section 2700.50(f) was added last year to require that institutions perform Illinois residency verifications on independent students who were not enrolled in an Illinois Institution during the previous school year. This requirement was intended to ensure that only established Illinois residents receive state financial aid dollars. The 1994-95 Free Federal Application for Federal Student Aid (FAFSA) contains a question specifically asking the date on which a student became a resident of the state in which he or she resides (which can be used for residency verification purposes). Further, ISAC is satisfied that a sufficient number of controls have been put into place by institutions to forestall any problems that had previously been identified regarding this issue. Based on client input, it was determined that the balance between protecting the state's fiscal interests and minimizing the

administrative burden on schools could be best achieved by returning the residency verification requirement to the way it was prior to last year's addition (i.e., checking residency if an applicant is chosen for verification for federal student assistance). Therefore, that subsection has been deleted. Section 2700.50(g)(2) and (3) have been combined at the suggestion of our clients to clarify the fact that a state or federal tax return can be used in lieu of, rather than in addition to, the other items in the list to establish Illinois residency. Finally, Section 2700.50(g)(2)(J) has been added as an acceptable document with which to establish residency because it is issued by an Illinois agency.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700
GENERAL PROVISIONS

Section

2700.20 Definitions
2700.30 General Institutional Eligibility Requirements
2700.40 General Applicant Eligibility Requirements
2700.50 Determining Applicant Eligibility
2700.60 Audits and Investigations

AUTHORITY: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3001 et seq.) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance~~.~~ (Ill. Rev. Stat. 1991, ch. 122, par. 106-2.) [110 ILCS 805/6-2].

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"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"Commission" - The nine member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act~~.~~ (Ill. Rev. Stat. 1991, ch. 144, par. 3015) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/15].

"Concurrent Registration" - The simultaneous ~~contemporaneous maintenance of~~ enrollment at two or more institutions.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent Parts of the ISAC Rules) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final Gift Assistance ~~gift assistance~~ payment(s).

"Dependent Student" - A scholarship, loan or grant applicant or recipient who is not classified as an Independent Student.

"ED" - The acronym for the United States Department of Education.

"Eligible Noncitizen" - For the purposes of these Rules, eligible noncitizen is defined as noncitizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

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"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including but not limited to, federal, state, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter Term.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 U.S.C.A. 1087vv.) A non-independent student is referred to as a Dependent Student.

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 15 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3015) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/15] to administer ~~the State's~~ student assistance programs in Illinois.

"Mandatory Fees" - The charges assessed by an institution to each and every Full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a Mandatory Fee.

"Parent" - For the purpose of these Rules, "Parent" is defined at 34 CFR 668.2.

"Pell Grant" - A Federal Gift Assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1070a et seq.)

"Regular School Year" - An eight to nine month period of time which includes two semester Terms or three quarter Terms. The regular school year excludes summer Terms. Programs that begin after April 15 and before August 16 are

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considered summer Terms.

"Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"Remedial Courses" - The coursework that prepares a student for study at the postsecondary level and must be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A Dependent Student is a Resident of Illinois if the Parent of the dependent-Applicant who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois.

An Independent Student is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

An Applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of Applicants. The procedures are established by 34 CFR 668 et seq. and by these Rules.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement

1) All Institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC Gift Assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the Institution's students may receive benefits.

3) The ISAC Agreement shall include provisions requiring Institutions to comply with statutes, Rules and Regulations.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, Institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their Enrolled recipients.

c) Institutions shall be subject to possible Limitation, Suspension or Termination of eligibility for failure to comply with statutes, Regulations, Rules, or procedures and for failure to maintain the standards required by this Section for initial participation. (See: 23 Ill. Adm. Code 2790.)

d) Postsecondary Institutions which participate in Gift Assistance Programs shall annually submit to ISAC a copy of both their Satisfactory Academic Progress Policy and their Tuition Refund Policy. Public postsecondary Institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary Institutions which participate in Gift Assistance Programs shall annually report their Tuition and fee charges, as well as advance payment requests, to ISAC on or before June 1 preceding each Academic Year.

1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for ~~student assistance~~ Gift Assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC Gift Assistance Programs.

2) The report shall match specific fee charges with the Gift Assistance program(s) which may finance the fee. Such categorizations by the Institution shall not be considered ISAC approval.

3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See: 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)

A) Example: One fee finances both Tuition and text book expenses. Only the portion of the fee which is attributable to Tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the Institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may

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be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent Parts of the ISAC Rules.

h) Postsecondary Institutions may apply to participate in ISAC-Guaranteed Loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary Institutions may apply to participate in ISAC Gift Assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC ~~student assistance~~ Gift Assistance programs for an Institution rather than for specific academic programs within an Institution.

A) When requesting payment of benefits, Institutions shall certify (in accordance with ISAC Rules and/or Federal Regulations) whether enrollment in a particular academic program qualifies the announced recipient to claim ISAC administered benefits.

B) Students Enrolled in academic programs while incarcerated are ineligible for ISAC Gift Assistance benefits.

2) Prior to applying for participation in ISAC Gift Assistance programs, the institutional Applicant must have authority to operate a postsecondary Institution in Illinois. (See: 23 Ill. Adm. Code 1030.)

3) Institutional Applicants which are fully accredited by the North Central Association and have degree-granting authority shall be approved to participate in ISAC ~~student assistance~~ Gift Assistance programs provided the Institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.

4) Institutional Applicants which do not meet the requirements of subsection (i)(3) above shall be approved to participate in ISAC ~~student assistance~~ Gift Assistance programs if the Institution has:

A) obtained candidate status for North Central accreditation.

B) applied for and is seeking degree-granting authority.

C) obtained at least three letters indicating the transferability of academic credit from the Applicant Institution to other Institutions.

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The letters must be from Institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See: 23 Ill. Adm. Code 2735.60.)

D) an adequate number of qualified persons to administer their responsibilities under ISAC Rules. In determining whether an Institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the Institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the Institution.

5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.13 and 14.)

6~~5~~) Once approved to participate in ISAC ~~student assistance~~ Gift Assistance programs by the Commission, an Institution shall receive provisional eligibility for a minimum of five academic years.

A) On or before June 1 preceding each Academic Year, an Institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other Institutions for the following Academic Year. These letters must be from ISAC-approved MAP Institutions which are fully accredited by the North Central Association.

B) An Institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the Institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary Institutions shall have a valid Program Participation Agreement with ED. (See: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094).)

k) In order to begin and to continue participation in ISAC-administered student assistance programs, Institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.13 et seq.) An Institution's failure to meet and maintain those standards can lead to Limitation, Suspension or Termination proceedings. (See 23 Ill. Adm. Code

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2790.)

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2700.40 General Applicant Eligibility Requirements

a) Except as otherwise provided by this subsection, an Applicant with a defaulted loan or a defaulted Perkins Loan (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.

1) Eligibility for future terms may be reinstated in accordance with the following provisions:

A) Eligibility for ISAC-Guaranteed Loans will be reinstated when:

i) the debt has been paid in full; ~~or~~

ii) the borrower has made six consecutive reasonable and affordable payments based upon the borrower's total financial circumstances, as provided for in Section 428F(b) of the Higher Education Act, as amended;

iii) the borrower's prior defaulted loan(s) has been rehabilitated by making twelve payments in an amount that will allow the debt to be paid in full within ten years, pursuant to Section 428F(a)(1)(A) of the Higher Education Act, as amended; or

iv) the borrower has made arrangements to repay the defaulted loan(s) in terms that are satisfactory to the Holder of the defaulted loan(s) and the defaulted loan(s) will become part of a Consolidation Loan. ~~if in Delinquency Status or Default Status, the borrower will enter repayment through loan consolidation pursuant to Section 428C(a)(3) of the Higher Education Act of 1965, as amended. (See Consolidation Loans, Section 419 of the Higher Education Act Amendments of 1992, P.L. 102-325).~~

B) Borrowers are eligible to use subsections (A)(ii) and (A)(iii) above only one time during the entire life of any loan guaranteed by ISAC.

C~~B~~) Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in

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evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.

2) An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one Term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)~~(B)~~ (C) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for: Any ISAC-administered Gift Assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (SEOG) (20 U.S.C.A. 1070(b)).

c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. (See: Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

e) All Applicants must submit their Social Security Number.

f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.

g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.

h) When Gift Assistance eligibility is limited to a specified number of Term payments, the eligibility cap is calculated in accordance with this subsection.

1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.

2) For each Term of half-time payment benefits, one-half of the above

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eligibility units is assessed.

3) Sixty eligibility units are the equivalent of payments for ten semester/fifteen quarters of full-time benefits.

4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary Institution as required by 34 CFR 668.31 et seq.

j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an Applicant must be maintaining Satisfactory Academic Progress in accordance with the Institution's policy.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2700.50 Determining Applicant Eligibility

a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.

b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.

c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.

d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an Institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.

e) If an Applicant is selected for Verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs.

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A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.

~~f) Institutions must verify Illinois residency, as defined in Section 2700.20 of this Part, for students who were not enrolled in an Illinois Institution for the previous Regular School Year and who are classified as Independent Students.~~

f~~g~~) Because ED Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following provisions shall be followed by the Institutions.

1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:

A) the Applicant has changed dependency status and has become an Independent student; or

B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (see Section 2700.30) during the preceding twelve months; or

C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.

~~2) A valid income tax return, federal or state, may provide proof that an Applicant (or Parent) is an Illinois Resident as defined in Section 2700.20.~~

~~3) If an Applicant (or Parent) is not required by law to file an income tax return, or if the tax return does not provide proof of Illinois residency, one~~

2) One or more of the documents listed below may provide proof that an Applicant (or Parent) is an Illinois Resident, as defined in Section 2700.20 ~~of residency~~. For an Independent Student Applicant, the dates recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous months.

A) A valid state or federal income tax return
B~~A~~) Illinois High School or college transcript
C~~B~~) Illinois Driver's License
D~~C~~) Utility or rent bills in the Applicant's (or Parent's) name
E~~D~~) Illinois Auto Registration card
F~~E~~) Residential lease in the Applicant's (or Parent's) name
G~~F~~) Wage and Tax Statements (IRS Form W-2)
H~~G~~) Statement of benefits history from the Illinois Department of Public

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Aid

I~~H~~) State of Illinois Identification Card issued by the Secretary of State~~.~~

J) Statement of benefits from the Illinois Department of Employment Security.

3~~4~~) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsection (f)(2) ~~subsections (f)(2) and (3)~~ above, the Applicant or the Institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

g~~h~~) Institutions may request first Term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first Term payment to ISAC. For other than the first Term of eligibility in an Academic Year, the Verification process must be completed before the Institution may request payment.

h~~i~~) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2700.60 Audits and Investigations

a) ISAC shall audit participating postsecondary Institutions. Postsecondary Institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the Institution is experiencing difficulty meeting the requirements of these Rules or Federal Regulations, or discrepancies in past audits conducted by ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary Institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED Verification Procedures.

c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication

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"Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.

d) The Institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the Institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70, Appeal Procedures.

e) If an audit identifies ~~student assistance~~ Gift Assistance funds which were claimed on behalf of ineligible students, the funds shall be deducted from subsequent payments to the Institution.

f) ISAC may visit Institutions to conduct investigations related to fraud and abuse of ISAC programs. Campus administrators and/or campus security police may be consulted as part of any on-going investigation.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Grant Program For Dependents of Correctional Officers

2) Code Citation: 23 Ill.Adm.Code 2731

3) Section numbers: Adopted Action:

2731.10	Amended
2731.20	Amended

4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3060 and 3020(f) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/60 and 20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1054

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: Section 2731.10(a) has been changed to specify that only dependents of employees of the Illinois Department of Corrections assigned to security positions are eligible for program benefits. Section 2731.10(b) has been amended to match the name of this program, which was changed last year to more accurately reflect the intended beneficiaries. Section 2731.20(c) now includes an award

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limit, which by law is the same as that for the Monetary Award Program, and is currently set at $3,500, for the convenience of clients who may not have access to Illinois statutes.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731
GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section
2731.10 Summary and Purpose
2731.20 Program Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3060 and 3020(f) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994 ____, 1994.

Section 2731.10 Summary and Purpose

a) If a correctional officer ~~Correctional Officer~~ is employed by the Illinois Department of Corrections in a security position and is killed or at least ninety percent disabled in the line of duty, the employee's spouse and children may receive grant assistance under this Part.

b) This Part establishes Rules which govern the ~~Correctional Officer's~~ Grant Program for Dependents of Correctional Officers. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1, 1994)

Section 2731.20 Program Procedures

a) Children are defined as the natural child, legally adopted child, or any child in the legal custody of the correctional officer ~~Correctional Officer~~ at the time of death or disability.

b) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled on at least a half-time basis and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.)

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c) Grant amounts shall be calculated in accordance with Sections 35(c)(1) and (2) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3035(c)(1) and (2)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/35(c)(1) and (2)], which govern the Monetary Award Program (MAP). Grants shall not exceed the statutory maximum MAP grant for that Academic Year. Financial need is not a criterion.

d) Benefits are limited to the equivalent of eight semesters or twelve quarters of payment.

e) Applicants shall file a biographical application identifying the deceased/disabled Correctional Officer and will be required to submit a death certificate or proof of disability. Once eligibility has been established on behalf of all eligible survivors in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Illinois National Guard Program

2) Code Citation: 23 Ill.Adm.Code 2730

3) Section numbers: Adopted Action:

2730.5	Amended
2730.20	Amended

4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3045 and 3020(f)) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/45 and 20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1058

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: One of ISAC's advisory groups, the Illinois Bursars' Organization, has urged that this agency expedite the payment process for this program. In response to that request, Section 2720.20(b)(1) has been amended by reducing the time frame within which schools return payment rosters from 30 to 21 days and by reducing the time frame for returning supplemental rosters from 45 to 30

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days. The application deadline dates in Section 2730.20(d) have also been accelerated. If applications are submitted to ISAC sooner, this agency will be able to create payment rosters and forward them to schools more quickly. If schools return these rosters at an earlier date, ISAC will be able to process the payment claims earlier and, presumably, institutions will receive checks from the State Comptroller more promptly. Additionally, this more expedient process will relieve some of the administrative pressure at the end of the fiscal year, especially when summer term claims are paid. Finally, Section 2730.20(g) now contains an illustration of the proration calculation for the benefit of clients.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730
ILLINOIS NATIONAL GUARD GRANT PROGRAM

Section
2730.5 Summary and Purpose
2730.10 Applicant Eligibility
2730.20 Program Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3045 and 3020(f)) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2730.5 Summary and Purpose

a) Eligible recipients are entitled to an exemption from payment of Tuition and certain fees at state-controlled universities and community colleges as described in this Part. If funds appropriated for the Illinois Student Assistance Commission (ISAC) are insufficient to reimburse public postsecondary Institutions for all eligible recipients, the obligation to pay is transferred to the educational Institution.

b) This Part establishes Rules which govern the Illinois National Guard Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2730.20 Program Procedures

a) Payment Request

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1) The Institution must request from each Applicant a valid Illinois National Guard Grant Eligibility Letter. The Institution must complete ~~maintain~~ two ISAC payment certification forms which certify the Applicant's:

A) Social Security Number;
B) name;
C) enrollment;
D) grant amount; and
E) Satisfactory Academic Progress.

2) One sheet is to be returned to ISAC for payment and the other retained by the Institution for record and audit purposes.

b) Within the constraints of appropriation levels, two semester or three quarter Term payments and one summer Term payment are made directly to the Institution after it officially certifies to ISAC that the Applicant has registered and is attending classes. No seminars or other special Terms are covered under the grant. Summer Term is considered the final Term of the Academic and fiscal Year.

1) Payment certification forms will be mailed each Term to the Institution no earlier than the application deadline date for that Term. Payment certification forms must be returned no later than ~~thirty (30)~~ twenty-one (21) days after they have been mailed to the Institution by ISAC. Supplemental certification forms must be submitted to ISAC no later than ~~forty-five (45)~~ thirty (30) days after the original payment certification form was mailed to the Institution with the exception of summer Term supplements which must be submitted by the same deadline as the original payment certification for summer Term. All certification forms received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through September 30 following the conclusion of the fiscal year).

2) Claims will be paid as follows:

A) First semester and first quarter claims received by the designated deadline date will be paid or prorated, if funding is insufficient to pay all claims in full.

B) If funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

C) If funds still remain after the preceding claims are paid, summer Term claims received by the designated deadline date will be paid, or prorated, if remaining funds are insufficient to pay all summer claims in full.

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D) In the event that funds are not exhausted by summer Term payments, claims received after the designated deadline dates will be paid or prorated.

E) If funds are still available when the preceding claims have been paid in full, ISAC will use remaining funds to pay or prorate claims for the balance of non-residents' Tuition for recipients who live out-of-state or out-of-district.

c) Changes of address, name, status with the Guard, or Institution of attendance must be reported in writing to ISAC. Verification of receipt of changes sent to ISAC will be mailed directly to the Applicant's address recorded with ISAC.

d) Applicants must file an application each Academic Year indicating the Institution to be attended. No payment will be authorized for any Applicant until a current application is on file. The deadline for application will be ~~October 1~~ September 15 for first Term, March ~~15~~ 1 for second semester/second and third quarter, and ~~July 1~~ June 15 for the summer Term. Institution of attendance changes must also be reported by these dates.

e) Eligible recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.

1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will cease.

3) In the event that the recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of $300.00. The recipient withdraws from enrollment and incurs expenses of $150.00 in accordance with the Institution's Tuition refund policy. The recipient would use six eligibility units

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and would receive $150.00 in benefits.

4) The eligibility units used for a non-credit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

f) If a current year Applicant is discharged or has membership extended by the Guard, ISAC will send a revised eligibility letter or ineligibility letter to the Applicant. In the case of discharges, a copy of the letter will be sent to the Institution of record.

g) If a recipient ceases to be a member of the Guard in mid-term, benefits are terminated and the recipient is responsible for the costs attributed to the remainder of the Term. If an Applicant becomes eligible in mid-term, in accordance with Section 2730.10(b), benefits will be prorated for that portion of the Term for which the Applicant is eligible, provided the application is submitted by the deadlines established in subsection (d). Costs are prorated on the basis of the Institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost ÷ total instructional days = cost per day x days of eligibility = total proration.

h) Out-of-state residents will receive Tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois Institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of district tuition.

i) Payments on behalf of a recipient will be made to only one Institution per Term. For any Institution that has a Concurrent Registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 111. Adm. Code 2735.70(d).)

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Illinois Veteran Grant (IVG) Program

2) Code Citation: 23 Ill.Adm.Code 2733

3) Section numbers: Adopted Action:

2733.20	Amended
2733.30	Amended

4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3040 and 3020(f)) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/40 and 20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1064

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The only change appears in section 2733.20(f)(1)(B), wherein the term "instructor" was inserted after air flight for clarification purposes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: Section 40 of the Higher Education Student Assistance Act provides that IVG recipients are exempted from paying tuition and mandatory fees (i.e., those charges assessed by an institution to each and every full-time

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student). This exemption does not, however, apply to multipurpose building fees or similar fees for supplies and materials. Institutions find it increasingly necessary to rely on fees in their attempts to produce new revenues. ISAC cannot anticipate all the different types of fees that might be created or the names that will be assigned to them. ISAC has, however, responded to this dilemma by developing, over time, a list of fees that are covered by an IVG grant as well as a list of fees for which the recipient is individually responsible. ISAC and other responsible governing authorities have noted that an increasing number of fees are being assessed for the rental of equipment. Consequently, Section 2733.20(f)(2)(D) has been amended to specifically exclude fees for the rental of equipment since these are types of fees for which the student is responsible. Section 2733.20(h) has been deleted in compliance with Public Act 88-179, which became effective on August 4, 1993. That law removed the previous restriction on Persian Gulf veterans requiring that they begin and complete their term of study within one year after September 6, 1991. Section 2733.30(a)(1)(D)(iii) has also been amended in compliance with P.A. 88-179, which removed the 9 month active duty requirement for those who served in the Persian Gulf War and added Somalia veterans to those who may be eligible to receive program benefits. Section 2733.30(a)(3)(A) now identifies the state and federal record centers from which veterans can obtain copies of their separation reports (DD214), in an effort to assist advisors at institutions who may not be aware of the resources available to veterans. Section 2733.30(a)(3)(C) has been updated to specifically include the types of documents that are necessary for ISAC to determine eligibility. Section 2733.30(a)(4) previously made reference to the section of ISAC rules which delineates the documentation requirements for verifying a student's Illinois residency (see 23 Ill. Adm. Code 2700.50(g)), even though that definition does not apply to this program. Residency for IVG purposes is dependent upon a specific six month period before entering military service and after leaving such service. Section 2733.30(a)(4) has been amended to include a list of documents which may be used to verify residency for this program. Section 2733.30(c) has been changed in response to an advisory committee suggestion which urged that ISAC expedite the payment process for IVG. Earlier payment requests from institutions will enable ISAC to process the claims more quickly and, presumably, schools will receive checks from the State Comptroller more promptly.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
2733.10 Summary and Purpose
2733.20 Grant Eligibility
2733.30 Program Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3040 and 3020(f)) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990;emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991 for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992 for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994 ____, 1994.

Section 2733.20 Grant Eligibility

a) A recipient must have been designated a Qualified Veteran by ISAC. (See: Section 2733.30(a).)

b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.

c) A recipient must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.

d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.

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e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.

f) Fees Exempted by the IVG

1) The recipient is exempted from paying most fees including:

A) Tuition and other instructional fees;
B) activity, air flight instructor and athletic fees;
C) matriculation, service and other registration-type fees;
D) off-campus and other extension course fees;
E) application fees;
F) graduation and transcript fees;
G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
H) health insurance fees.

2) The recipient is responsible for payment of the following fees:

A) book rental fees;
B) laboratory and supply fees;
C) student union fees; ~~and~~
D) fees for the operation, maintenance~~,~~ or rental ~~or equipping~~ of any building, ~~or~~ facility or equipment.

g~~3~~) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate, unless sufficient funds are available to pay benefits in accordance with Section 2733.30(d)(5) of this Part. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

h~~g~~) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

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2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits ceases. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of $300.00. The recipient withdraws from enrollment and incurs expenses of $150.00 in accordance with the Institution's Tuition refund policy. The recipient would use six eligibility units and would receive $150.00 in benefits.

4) The eligibility units used for a non-credit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.

~~h) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to September 6, 1992.~~

i) If a student is eligible for both IVG and MAP, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2733.30 Program Procedures

a) An Applicant must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

1) Definition of "Qualified Veteran"

A) Any person who served in the Armed Forces of the United States who:

i) at the time of entering service was an Illinois resident or was an Illinois resident within 6 months prior to entering such service; and

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ii) who after leaving service returned to Illinois within 6 months; or

iii) if married to a person in continued military service stationed outside Illinois, returned to Illinois within 6 months after his or her spouse's discharge; or

iv) if married to a person in continued military service, applies for this grant program within 6 months of his or her spouse being stationed within Illinois.

B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.

D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:

i) the Veteran was honorably discharged from such service for medical reasons directly connected with such service; or

ii) the Veteran was honorably discharged prior to August 11, 1967; or

iii) the Veteran was honorably discharged from such service, ~~and has at least nine months of active duty~~, part of which ~~includes service~~ included duty in the Persian Gulf war ~~during Operations Desert Shield or Desert Storm.~~ or in military operations to aid Somalia.

2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard are not eligible for assistance under this Part.

3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

A) An Applicant should submit a copy of his or her Report of

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Separation (Form DD 214) with the application~~.~~, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides, the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the original and/or current Enlistment Contract (Form DD4) and a letter from the commanding officer. If the veteran is in an initial enlistment, a copy of the original contract must be provided. If the veteran is on an enlistment extension, a copy of the current contract must be provided. The letter from the commanding officer must indicate that the Applicant is a member of the Armed Forces at the time of application~~.~~, must include the veteran's home of record at the time of original enlistment, must state the veteran's length of time in service and the expiration date of the current enlistment.

4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may verify ~~establish~~ Illinois residency by providing one or more of the documents listed below. ~~in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (g)(3)~~. The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program~~.~~ because residency, for the purposes of this program, can be established in six months.

A) Illinois drivers license issued during the relevant six month period;
B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
C) Utility bills/rent receipts in the Applicant's name for the relevant six month period;
D) Illinois motor vehicle registration issued during the relevant six month period;
E) Residential lease in the Applicant's name for the relevant six month period;
F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;

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G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
H) State of Illinois identification card issued during the relevant six month period; or
I) Letter of employment verified by certification in accordance with Illinois law (See 735 ILCS 5/1-109) and printed on company letterhead.

5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(C), such designation shall expire upon discharge from the Armed Forces.

b) A Qualified Veteran shall be issued a notice of eligibility. To receive an Illinois Veteran Grant, an Applicant must submit a copy of the notice of eligibility to the Institution within three months following the last scheduled day of classes for the Term for which a grant is requested. A Qualified Veteran who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of that IVS ID card to the Institution.

c) Institutions shall submit a payment request to ISAC. The deadlines for submission of complete payment requests shall be ~~October 15~~ September 15 for summer Terms; ~~February 15~~ January 15 for first Term; and ~~June 25~~ May 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20, Grant Eligibility.

d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.

1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.

2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.

3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

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4) If funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated.

5) In the event that funds are not exhausted, claims for the difference between in-district and out-of-district tuition will be paid for recipients who do not qualify for Charge-backs, or prorated if funds remaining are insufficient to pay all such claims in full.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Merit Recognition Scholarship (MRS) Program

2) Code Citation: 23 Ill.Adm.Code 2761

3)

Section numbers:	Adopted Action:
2761.10	Amended
2761.20	Amended
2761.30	Amended

4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3030 and 3030(h)) [110 ILCS 947/30 and 30(h)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1073

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The only changes in this rulemaking were minor technical corrections suggested by the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: Section 2761.10(a) has been amended in accordance with Public Act 88-203, which became effective on August 5, 1993 and added national military service academies to the types of institutions at which a student

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can use this scholarship. Section 2761.20 now contains a definition of service academy for the convenience of clients who are interested in this program. Section 2761.30(a)(2) has been changed to comply with Public Act 88-69, which became effective on July 7, 1993 and requires that ISAC notify only those applicants who are reasonably assured of receiving a Merit Recognition Scholarship as determined by the annual funding levels recommended in the Governor's Budget.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761
MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	
2761.10	Summary and Purpose
2761.20	Definitions
2761.30	Program Procedures
2761.40	Program Procedures (Repealed)

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3030 and 3030(h)) [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2761.10 Summary and Purpose

a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a $1,000 award which must be used for enrollment at an approved Illinois postsecondary Institution or any Service Academy.

b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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Section 2761.20 Definitions

"Approved High School" - *means any public high school located in this State; and any high school located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those of public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3010) [110 ILCS 947/10].

"Cumulative Grade Point Average" - means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as those completed for admission, placement, or other similar purposes.

"Eligible Applicant" - *means a student from any approved high school located in this State whose 7th semester cumulative high school grade point average is at or above the 95th percentile, or 90th percentile with respect to students who graduated from such an approved high school during the 1986-87 or 1987-88 school year, of his or her high school class, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section.* (Section 30(a) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3030(a)) [110 ILCS 947/30(a)].

"Graduating Class" - The total number of students to complete the high school's program of instruction and graduate within an Academic Year.

"Qualified Student" - *means a person: ~~(i)~~ of good moral character who is a resident of this State and a citizen or permanent resident of the United States~~; (ii)~~ who, as an eligible applicant, has made a timely application for a merit recognition scholarship under this Section~~; (iii)~~ who has successfully completed the program of instruction at any approved high school located in this State~~;~~ and ~~(iv)~~ who enrolls or is enrolled in a qualified Illinois institution of higher learning or a Service Academy as an undergraduate student or cadet and has not received a baccalaureate degree.* (Section 30(a) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3030(a)) [110 ILCS 947/30(a)].

"Service Academy" - *means the U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy,* hereinafter referred to as an "Institution").

"Seventh Semester" - means the period of instruction, at the completion of which,

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a student has completed eighty percent of the Approved High School's program of instruction. The seventh semester will usually be the student's next-to-last Term.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2761.30 Program Procedures

a) In February of every year, Approved High Schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are Eligible Applicants.

1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by Approved High Schools shall be subject to audit by ISAC.

2) ISAC shall then promptly notify those Eligible Applicants who are reasonably assured of receiving Merit Recognition Scholarships in accordance with annual funding levels recommended in the Governor's Budget.

3~~2~~) Eligible Applicants must have completed their Seventh Semester of instruction at an Approved High School in Illinois.

b) Eligible Applicants shall be sent a Merit Recognition Scholarship application which must be completed by the student and the postsecondary Institution attended by the Applicant. A complete application must be received by ISAC within one year of High School Graduation but absolutely no later than June 15th of the Academic Year immediately following graduation from the Approved Illinois High School. Should the recipient transfer to a different Institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.

c) ISAC shall disburse scholarship funds in two increments based on the Terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer Term.

1) The application form constitutes a request for payment of first Term benefits. ISAC shall issue payment request rosters for Institutions to request payment for subsequent Terms.

2) Funds shall be remitted to Institutions on behalf of the Qualified Students. When requesting payment of scholarship funds, the Institution shall certify that the recipient is: a U.S. Citizen or Eligible Noncitizen; a Resident of

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Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

3) Upon receipt of scholarship funds, the Institution shall verify the recipient's enrollment status. If the recipient is Enrolled, the Institution may credit the disbursement funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the recipient.

4) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment prior to disbursement, the Institution shall return the funds to ISAC.

d) Scholarship funds are applicable to two semesters or three quarter Terms and must be used for educational expenses, including, but not limited to, Tuition and fees, room and board, books and supplies, required Service Academy uniforms, and travel and personal expenses related to the ~~student's~~ recipient's enrollment.

e) Should the recipient withdraw from enrollment during the first-Term financed by the scholarship, the recipient shall return the funds disbursed to ISAC.

f) Notwithstanding the previous provisions of this Section, students who graduated during the 1986-87 or 1987-88 school year whose grade point averages were at or above the 90th percentile of their high school class and who were otherwise eligible to apply for a scholarship under this Part shall:

1) be eligible for a scholarship in the amount of $500;

2) have had their names certified as Eligible Applicants by Approved High Schools on forms submitted to ISAC;

3) have submitted an application to the Institution at which they are currently enrolled by November 15th of the academic year in which funds are appropriated for this purpose;

4) have Institutions verify that the Qualified Student is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; and is not the recipient of a baccalaureate degree;

5) have the scholarships awarded under this subsection provided by a separate appropriation of the General Assembly; and

6) have a scholarship awarded by ISAC in order of decreasing percentile as

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determined by their 7th semester cumulative high school grade point average, if funds appropriated are insufficient to provide all Qualified Students with an award.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Minority Teachers Of Illinois (MTI) Scholarship Program

2) Code Citation: 23 Ill.Adm.Code 2763

3)

Section numbers:	Adopted Action:
2763.20	Amended
2763.40	Amended
2763.50	Amended

4) Statutory Authority: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3050) (See Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) [110 ILCS 947/50] and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1080

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The only changes made in this rulemaking were those requested by the Administrative Code Division or were minor and technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC

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adopted the following substantive amendments: The definition of "eligible applicant," which is contained in Section 2763.20, has been changed in accordance with Public Act 88-231. That law became effective on August 6, 1993 and expanded the eligibility for MTI scholarships to those students who have received a General Educational Development (GED) Certificate. The definition of "qualified student" in Section 2763.20 has also been expanded to include last semester seniors who are enrolled on less than a full-time basis, in response to P.A. 88-231. The application deadline date in Section 2763.40(b) has been changed from September 15 to August 1 as a result of ISAC's continued efforts to reflect consistent deadline dates for all of the statutory programs. Section 2763.40(d) has been amended so that students are not penalized if institutions are slow in responding to inquiries from ISAC or make errors during the application process. Section 2763.40(f) has been modified to match the new definition of eligible applicant and to comply with P.A. 88-231. Section 2763.40(h)(6) has been added in response to P.A. 88-231, which also enables students to defer repayment if they pursue their studies in other than a teaching-related curriculum. Section 2763.40(j) has been added since P.A. 88-231 identified the General Revenue Fund as the place for ISAC to deposit funds that are collected from repayments. Section 2763.50(b) now allows a student who attends school for only one semester to receive up to the maximum award of $5,000, if the scholarship does not exceed the recipient's cost of attendance.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
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Part 2763
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10 Summary and Purpose
2763.20 Definitions
2763.30 Minority Scholar Eligibility
2763.40 Application Procedures
2763.50 Institutional Procedures

AUTHORITY: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3050) (See Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) [110 ILCS 947/50] and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on June 1, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2763.20 Definitions

"Approved High School" - means *any public high school located in this State; and any high school, located in the State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the Superintendent provides a course of instruction at the secondary level, and maintains standards of instruction, substantially equivalent to those of public high schools located in this state*~~.~~ (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3010) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/10]~~.~~).

"Cost of Attendance" - defined at Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 108711).

"Cumulative Grade Point Average" - means the average grade earned throughout a student's educational program. The calculation shall be consistent with the

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Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - *means a minority student who has graduated from high school or has received a General Educational Development Certification and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section*~~.~~ (Section 50(a) of the Higher Education Student Assistance Act).

"Institution of Higher Learning" - *means an educational organization located in this state which* ~~(1)~~ *provides at least an organized 2 year program of collegiate grade in liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or, beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree;* ~~(2)~~ *either is* ~~(A)~~ *operated by this State, or* ~~(B)~~ *operated publicly or privately, not for profit;* ~~(3)~~ *in the judgment of the Commission meets the standards substantially equivalent to those of comparable institutions operated in this State; and* ~~(4)~~ *if so required by the Commission, uses the State as its primary guarantor of student loans made pursuant to the Higher Education Act of 1965. For otherwise eligible educational organizations which provide academic programs for incarcerated students, the terms "institution of higher learning", "qualified institutions", and "institution" shall specifically exclude academic programs for incarcerated students*~~.~~ *(Section 10 of the Higher Education Student Assistance Act*~~.~~*).*

"Minority Scholar" - means an individual who ISAC determined to be eligible to receive an MTI scholarship and who receives or has received assistance under this Part.

"Minority Student" - *means a student who is either* ~~(i)~~ *Black (a person having origins in any of the black racial groups in Africa);* ~~(ii)~~ *Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);* ~~(iii)~~ *Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia; or* ~~(iv)~~ *Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska*~~.~~ (Section 50(a) of the Higher Education Student Assistance Act~~.~~).

"Qualified Student" - *means a person;* ~~(i)~~ *who is a resident of this State and a*

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citizen or permanent resident of the United States; ~~(ii)~~ who is a minority student, as defined in this Section; ~~(iii)~~ who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; ~~(iv)~~ who is enrolled on a full time basis at the sophomore level or above until his or her last semester at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree, except that last semester seniors must enroll only for a minimum of 6 credit hours in order to maintain eligibility under this Section; ~~(v)~~ who is enrolled in a course of study leading to a teacher certification; ~~(vi)~~ who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and ~~(vii)~~ who continues to advance satisfactorily toward the attainment of a degree~~.~~ (Section 50(a) of the Higher Education Student Assistance Act~~.~~).

"Teacher Education Program" - means an undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an elementary or secondary school teacher by the Illinois State Board of Education. For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2763.40 Application Procedures

a) Applications for the Minority Teachers of Illinois Scholarship Program are available from qualified Institutions of Higher Learning, state legislative and congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

b) ISAC will mail renewal applications to all Qualified Students who received MTI Scholarships during the preceding Academic Year.

c) A completed application must be received in ISAC's Deerfield office on or before ~~September 15th of~~ the August 1 immediately preceding the academic year for which the scholarship is being requested in order to receive priority consideration for a full-year, full-amount award.

d) If the student section of an application is incomplete, notification will be sent to the Eligible Applicant. The Eligible Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when ~~it~~ the student section is complete and received by ISAC. If the school section of an application is incomplete, ISAC will notify the Institution directly. When the school submits the missing information ISAC will consider the application filed on the date that it was originally received.

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e) Eligibility notification shall be sent to each Qualified Student who is selected as a Minority Scholar.

f) Eligible Applicants shall be required to furnish the postsecondary Institution ~~institution~~ at which they are enrolled with a copy of their high school transcripts, ~~or~~ any other documentation verifying high school graduation~~.~~, or a copy of their General Educational Development Certificates.

g) During any academic year in which a Minority Scholar receives assistance under this Part, the Minority Scholar shall be required to sign a Teaching Agreement/Promissory Note prior to receipt of any scholarship assistance. The terms of the Teaching Agreement/Promissory Note shall include the following:

1) a pledge on the part of the recipient to teach one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;

2) a stipulation that such teaching commitment will be fulfilled within the 10-year period following the termination of the undergraduate program for which the Minority Scholar received assistance under this Part;

3) a stipulation that such teaching commitment will be fulfilled at a nonprofit Illinois public, private, or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are Minority Students, as certified by the Illinois State Board of Education; and

4) a further stipulation that, if the teaching commitment is not fulfilled, the scholarship converts to a loan and the Minority Scholar must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to that defined by federal regulations and, if applicable, reasonable collection fees.

h) A Minority Scholar shall not be in violation of the teaching agreement, and thus not be required to commence repayment as set forth in subsection (g)(4) of this Section, if the recipient:

1) enrolls as a full-time graduate student in a course of study related to teaching at a qualified Institution of Higher Learning;

2) serves, for not more than three years, as a member of the United States armed services;

3) is temporarily disabled, for not more than three years, as established by

the sworn affidavit of a qualified physician;

4) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (g)(3) of this Section, and is able to provide evidence of that fact; ~~or~~

5) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician~~.~~; or

6) withdraws from a course of study leading to a teacher certification but remains enrolled on a full-time basis in another academic discipline.

i) A Minority Scholar shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician, (See e.g., 34 CFR 653.42(k)(i)) or if his or her representative provides ISAC with a death certificate or other evidence that the scholar has died.

j) All repayments collected from Minority Scholarship recipients shall be forwarded to the State Comptroller for deposit into the State's General Revenue Fund.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2763.50 Institutional Procedures

a) The Institution shall submit the signed Application/Teaching Agreement/Promissory Note to ISAC on behalf of the Minority Scholar. The submission of the signed Application/Teaching Agreement/Promissory Note shall represent the Institution's request for payment.

b) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship; except that, multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the ~~academic year~~ Academic Year for which the scholarship is being awarded~~.~~ or when a student is attending only one semester and the maximum award does not exceed the student's Cost of Attendance.

c) Funds shall be remitted by ISAC to Institutions on behalf of Minority Scholars. When requesting payment of scholarship funds, the Institution shall certify to ISAC that the Applicant is a Qualified Student as defined in Section 2763.20 of this Part.

d) Scholarship funds are applicable towards up to two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify the Scholar's enrollment status. If the Minority Scholar is

Enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the Minority Scholar. If the Minority Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.

e) Scholarship Amount

1) In accordance with this subsection, the Institution at which the Minority Scholar is enrolled shall compute the size of the scholarship and submit a completed, certified Application/ Teaching Agreement/Promissory Note. The Minority Scholar must have reviewed and signed the Application/Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.

2) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fee and room and board charges or commuter allowances, if applicable. The annual scholarship awarded to a Qualified Student must not exceed:

A) tuition and fees plus room and board expenses charged by the Institution (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e), General Institutional Eligibility Requirements); or

B) tuition and fees plus the standard commuter allowance for students living off-campus (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e)); or

C) a maximum of $5,000.

3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a Scholar in a given academic year, when added to the other financial aid available to the Minority Scholar for that year, cannot exceed the Cost of Attendance.

4) In any Academic Year in which the Minority Scholar accepts financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Scholar shall not be eligible for scholarship assistance under this Part.

5) A Minority Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Minority Scholar's Cost of Attendance exceeds the amount of the scholarship.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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1) The Heading of the Part: Paul Douglas Teacher Scholarship Program

2) Code Citation: 23 Ill.Adm.Code 2762

3) Section numbers: Adopted Action:

2762.30	Amended
2762.40	Amended

4) Statutory Authority: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 20 (b) and (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3020(b) and (f)) [110 ILCS 947/20(b) and (f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1089

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: The only changes made in this rulemaking were in response to suggestions made by the U.S. Department of Education. Section 2762.30(b)(3)(A)(ii) had the words "if enrolled less than half-time" added to parrallel regulatory changes. Section 2762.30(d)(1) has had the word "scholar" substituted for applicant for clarification and a reference was made to graduate students since they are now eligible for this scholarship.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In

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addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: Section 2762.30(b)(2) has been amended to comply with new federal regulations that were published in the August 11, 1993 edition of the Federal Register. Those regulations permit to high school students who are scheduled to graduate by the end of the year in which the award is made to apply for Paul Douglas Scholarships. Section 2762.30(b)(3) has been updated to comply with the instructions that ISAC have received from the U.S. Department of Education (ED) which stated that graduate students qualify as well as undergraduates. Section 2762.30(b)(3)(A) has been changed so that it does not conflict with the revision to Section 2762.30(b)(2). Section 2762.30(d)(2) has been deleted, at the direction of ED, to remove the preference for students attending Illinois institutions in the event that there are insufficient funds to give scholarships to all qualified applicants. Section 2762.30(d)(5) has been modified to explain that students who did not apply for federal financial aid are not precluded from receiving this award but will be ranked along with those students who have been determined to have no financial need. Section 2762.40(b) now includes a common application deadline date of August 1 for all students, regardless of their enrollment status during the previous school year. Section 2762.40(b)(1) clarifies the fact that students who had not previously been designated as Paul Douglas Scholars should apply for federal financial aid to determine their need and thus, their rank within their relevant group. Section 2762.40(b)(2) has been amended because students with GEDs are also eligible for this scholarship. Section 2762.40(d) now matches the change in subsection (b) which relates to a common deadline date for all applications. Section 2762.40(e)(1) has been deleted since ISAC now uses one common form as the application, teaching agreement/promissory note and the school certification of eligibility. Section 2762.40(i) has had a phrase added which excuses a deceased scholar from repayment if his or her representative provides ISAC with appropriate documentation.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2762
PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Section
2762.10 Summary and Purpose
2762.20 Definitions
2762.30 Scholar Eligibility
2762.40 Program Procedures

AUTHORITY: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 20 (b) and (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3020(b) and (f)) [110 ILCS 947/20(b) and (f)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 111. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at 16 Ill. Reg. 11313, effective July 1, 1992; amended at 17 Ill. Reg. 10611, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _ ~~JUL 0 1 1994~~, 1994.

Section 2762.30 Scholar Eligibility

a) ISAC shall accept applications to be a Paul Douglas Teacher Scholar in accordance with Section 2762.40, Program Procedures.

b) From among the timely Applicants, ISAC shall identify the Qualified Applicants. A "Qualified Applicant" is defined as an individual who meets the requirements of this subsection.

1) A Qualified Applicant must be a United States Citizen or an Eligible Noncitizen, and a Resident of Illinois.

2) A Qualified Applicant must be a high school graduate, or a student scheduled to graduate from high school by the end of the school term in which the award is made, who:

A) graduated in the top ten percent of his/her graduating class; or

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B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States' high school graduates.

3) A Qualified Applicant must be Enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in a Teacher Education Program.

A) The Applicant must be:

i) Enrolled or accepted for enrollment on a Full-time basis;
ii) Enrolled in the last academic term before graduation or engaged in student teaching if enrolled less than full-time; and
iii) maintain satisfactory progress in accordance with the Institution's Satisfactory Academic Progress Policy.

B) Enrollment must be with a postsecondary Institution that is approved by the Department of Education to participate in federal student assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)

c) Applicants will be notified whether they are Qualified Applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.

d) Recipients shall be selected from among the Qualified Applicants on the basis of the following criteria:

1) Postsecondary Academic Level. Awards will be made first to renewal ~~renewing applicants~~ Scholars, then to all graduate students and seniors, then to all juniors, then to all sophomores, and then to all freshmen.

~~2) Institution Location. If there are insufficient funds to award scholarships to all Qualified Applicants, those enrolled in Illinois institutions will receive priority over Applicants attending out-of-state institutions.~~

2~~3~~) Special Consideration. If there are insufficient funds to award scholarships to all Qualified Applicants ~~attending Illinois institutions~~, ISAC shall give special consideration to Qualified Applicants who are within the same academic level and who:

A) intend to teach or provide related services to students with

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disabilities;

B) intend to teach limited English proficient students;

C) intend to teach preschool age children;

D) intend to teach in schools servicing inner city or rural or geographically isolated areas;

E) intend to teach in curricular areas or geographic areas where there are demonstrated shortages of qualified teachers; or

F) are from disadvantaged backgrounds, including racial and ethnic minorities and individuals with disabilities and are underrepresented in the teaching profession or in the curricular areas in which they are preparing to teach.

3~~4~~) Shortage of Teachers. If there are insufficient funds to award scholarships to all Qualified Applicants within a given Academic Level who are entitled to special consideration, awards will be made first to all Applicants Enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54. Subpart D.) Funds will next be awarded to Applicants at the same Academic Level in nonshortage disciplines.

4~~5~~) The Expected Family Contribution (EFC) derived from Federal Methodology. If funds are insufficient to make awards to all Applicants who are entitled to special consideration, to all Applicants in shortage disciplines or to all Applicants in non-shortage disciplines, within an Academic Level, Applicants will be ranked in order of the Applicant's EFC, from lowest to highest. (See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1087kk).) Awards will be made within the relevant group in order of increasing EFC. Those Applicants who did not apply for federal student financial aid, and therefore do not have an EFC, are eligible to receive this scholarship but will be ranked last in their relevant group.

e) A Scholar shall receive a scholarship renewal provided the Scholar continues to meet the requirements of subsections (b)(1) and (3) of this Section. No Scholar may receive more than eight semesters/ twelve quarters of scholarship assistance. A Scholar shall not receive a scholarship renewal if the Scholar remains at the same academic level for more than two years.

f) The total number of Scholars selected is contingent upon the available funds and

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the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2762.40 Program Procedures

a) ISAC Applications for the Paul Douglas Teacher Scholarship Program are available for distribution to students from: approved High Schools in Illinois; offices of Congressional Representatives from the State of Illinois; offices of ISAC in Springfield, Chicago, and Deerfield~~,~~; and~~;~~ postsecondary Institutions throughout Illinois.

b) A completed application must be received in ISAC's Deerfield office~~, from a student who was enrolled in a postsecondary institution during the previous regular school year, on or before June 1 preceding the Academic Year for which the scholarship would be available to that student. Applicants who were not enrolled during the previous regular school year and who would be using the scholarship at the freshman Academic level must submit a completed application~~ on or before August 1 preceding the Academic Year for which the scholarship ~~would be available.~~ is being requested in order to receive priority consideration.

1) All ~~first-time~~ Applicants who had not previously been designated as Scholars should ~~must~~ also apply for federal student financial aid to determine EFC for the purpose of determining their rank within their relevant group. (See: 20 U.S.C.A. 1070a.)

2) First-time Applicants must also provide their postsecondary Institution a copy of their high school transcripts, ~~or~~ any other documentation which verifies rank in class upon high school graduation~~.~~, or documentation showing their GED test scores. The Institution shall certify to ISAC whether the Applicant is a Qualified Applicant as defined at Section 2762.30(b).

c) A congratulatory letter shall be sent to each Qualified Applicant who is selected as a Scholar. A listing of Scholars shall be made available to Institutions, members of Congress, and to the media.

d) Renewal applications are mailed annually to eligible Scholars and must be submitted to ISAC on or before August 1 preceding the Academic Year for which the scholarship is being requested in order to receive priority consideration. ~~the deadline stated on the Renewal application.~~

e) Prior to receiving scholarship assistance for any Academic Year, the Scholar must

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sign a Teaching ~~Commitment~~ Agreement/Promissory Note~~.~~ that is submitted to ISAC.

~~1) The Institution shall submit the signed Teaching Commitment Agreement/Promissory Note to ISAC.~~

1~~2~~) The Teaching ~~Commitment~~ Agreement/Promissory Note shall require the Scholar to either:

A) fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded, or

B) repay all or part of the scholarship, plus interest, as provided by Federal Regulations. (See: 34 CFR 653.42(c)(1).) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.

2~~3~~) The Teaching ~~Commitment~~ Agreement/Promissory Note shall include:

A) a stipulation that the Scholar teach on a full-time basis for a period of not less than two years, for each year of assistance received, in a public or private nonprofit preschool, elementary, or secondary school, or

B) a stipulation that the Scholar teach, on a full-time basis, children with disabilities or children with limited English proficiency in a private non-profit school, and

C) a stipulation that teaching time shall be reduced to one-half if performed in a geographic area or an academic discipline certified as a "teacher shortage area" by the U.S. Secretary of Education.

f) Scholarship Amount

1) In accordance with this subsection, the Scholar's postsecondary Institution shall compute the amount of the scholarship and shall submit a request form. The Scholar must have reviewed and signed the Payment Request Form.

2) Except as otherwise provided in this subsection, scholarships shall be in the amount of $5,000 if the student is enrolled for the full Academic Year. The maximum scholarship for one semester is $2,500; the maximum

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scholarship for one quarter is $1,666.67.

3) If a Paul Douglas Teacher Scholarship, when added to the amount the Scholar is to receive for the same Academic Year under Title IV of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1070 et seq.), would exceed the Scholar's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965 (20 U.S.C.A. 108711), as amended, the Institution shall take the receipt of the scholarship into account in determining the student's eligibility for other federal financial aid programs.

4) In any Academic Year in which the Scholar accepts financial assistance through the Teacher Shortage Scholarship Program, the Mathematics or Science Teacher Scholarship Program (see: 23 Ill. Adm. Code 54: "Fellowship, Traineeship and Scholarship Programs"), or the Minority Teachers of Illinois Scholarship ~~Aid~~ Program (see: 23 Ill. Adm. Code 2763), the Scholar shall not be eligible for scholarship assistance under this Part.

5) A Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Scholar's cost of attendance exceeds the amount of the scholarship.

g) Scholarship funds are applicable towards two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify that the Scholar continues to be Enrolled. The Institution may then credit scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the Scholar. If the Scholar withdraws from enrollment, the Institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.

h) A Scholar will be entitled to defer payments due, as outlined in subsection (e)(1)~~(2)~~(B) of this Section, during any period in which the recipient meets the conditions outlined in Section 528 of the Higher Education Act, as amended~~.~~ or applicable federal regulations (see 34 CFR 653.62(g)).

i) A Scholar shall be excused from repayment, for any scholarship assistance received under this Part, if the recipient becomes permanently totally disabled as established by the sworn affidavit of a qualified physician or if his or her representative provides ISAC with a death certificate or other evidence that the Scholar has died.

j) Scholars and Applicants may appeal administrative decisions made pursuant to this Part in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code

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2700.70).

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Police Officer/Fire Officer Survivor Grant Program

2) Code Citation: 23 Ill.Adm.Code 2732

3)

Section numbers:	Adopted Action:
2732.10	Amended
2732.20	Amended

4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3055 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/55 and 20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1098

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: The terms police officer and fire officer in Section 2732.10(a) have been put in lower case because they are neither defined terms, which are capitalized throughout ISAC rules, nor proper nouns. Section 2732.20(c) now includes an award limit, which is the same as that for the Monetary Award Program, and is currently set at $3,500, for the convenience of clients who may not have access

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to Illinois statutes.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732
POLICE OFFICER/FIRE OFFICER SURVIVOR GRANT PROGRAM

Section
2732.10 Summary and Purpose
2732.20 Program Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3055 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2732.10 Summary and Purpose

a) If an Illinois police officer ~~Police Officer~~ or fire officer ~~Fire Officer~~ was declared killed in the line of duty, the surviving spouse and children of the deceased may receive undergraduate grant assistance under this Part.

b) This Part establishes Rules which govern the Police Officer/Fire Officer Survivor Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2732.20 Program Procedures

a) Surviving children must be at or under the age of twenty-five at the time of enrollment. The surviving children must be the natural or adopted children of the deceased. Step-children are ineligible.

b) Recipients must be Citizens or Eligible Noncitizens of the United States, and Residents of Illinois.

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c) Grant amounts shall be calculated in accordance with Sections 35(c)(1) and (2) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3035(c)(1) and (2)) (See P.A. 87-997, effective September 3, 1993) [110 ILCS 947/35(c)(1) and (2)], which governs the Monetary Award Program (MAP). Grants shall not exceed the statutory MAP grant for that Academic Year. Financial need is not a criterion.

d) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled on at least a half-time basis and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.) Benefits are limited to the equivalent of ten semesters or fifteen quarters of payment.

e) Applicants shall file a biographical application, identifying the deceased Police Officer/Fire Officer and will be required to submit a death certificate. Once eligibility has been established on behalf of all eligible dependents in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: State Scholar Program

2) Code Citation: 23 Ill.Adm.Code 2760

3) Section numbers: Adopted Action:

2760.30	Amended
2760.40	Amended

4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 947/20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

February 4, 1994, 18 Ill. Reg. 1803

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT) during his or her last year of high school. These test scores, in conjunction with high school records, are used to determine eligibility for designation as a State Scholar. Unfortunately, the two test batteries measure different

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psychological constructs. The ACT exam is a curriculum-based test of educational development (knowledge & higher order thinking). The SAT, in contrast, is not curriculum-based but measures general verbal (V) and mathematical (M) aptitudes (readiness to learn). Preferably, ACT and SAT scores should be interpreted separately but due to the costs of developing separate standards for use with each exam, a concordance table is used instead.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760
STATE SCHOLAR PROGRAM

Section	
2760.5	Summary and Purpose
2760.10	Selection Criteria
2760.30	Testing and Class Ranking of Students to be Considered for Program
2760.40	Other Information

AUTHORITY: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. ___, effective JUL 0 1 1994, 1994.

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT), during his/her fifth or sixth semester. Students planning to graduate in other than the traditional four years must take such examination in an equivalent Term; e.g., the three-year graduate must take the examination in the third or fourth semester.

1) A student may take either or both examinations during the designated period.

2) All scores from such tests taken during the designated period must be submitted to ISAC.

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3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.

4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.

5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.

b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.

c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (a) and (b).

d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.

1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example: Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

2) The equivalent Term rank shall be provided for students planning to graduate in other than the traditional four years; for example, class ranks for three-year graduates shall be as determined at the conclusion of the fourth semester.

e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:

1) The ACT Assessment Composite Score shall be the Illinois Standard Test

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Score.

2) The Scholastic Aptitude Test Scores shall become the Illinois Standard Test Score by adding the SAT verbal and math scores ~~after first multiplying the SAT verbal score by 2, adding that result to the SAT math score~~, then using the table below to determine the ACT equivalent score. ~~for SAT 2V + M.~~

Illinois Standard Test Score Table

Illinois Standard Score	SAT ~~2V+ M~~ V + M	ACT Composite
~~36~~		~~36~~
~~35~~	~~2280 to 2400~~	~~35~~
~~34~~	~~2200 to 2270~~	~~34~~
~~33~~	~~2090 to 2190~~	~~33~~
~~32~~	~~2000 to 2080~~	~~32~~
~~31~~	~~1920 to 1990~~	~~31~~
~~30~~	~~1830 to 1910~~	~~30~~
~~29~~	~~1750 to 1820~~	~~29~~
~~28~~	~~1680 to 1740~~	~~28~~
~~27~~	~~1610 to 1670~~	~~27~~
~~26~~	~~1550 to 1600~~	~~26~~
~~25~~	~~1480 to 1540~~	~~25~~
~~24~~	~~1430 to 1470~~	~~24~~
~~23~~	~~1380 to 1420~~	~~23~~
~~22~~	~~1340 to 1370~~	~~22~~
~~21~~	~~1300 to 1330~~	~~21~~
~~20~~	~~1250 to 1290~~	~~20~~
~~19~~	~~1210 to 1240~~	~~19~~
~~18~~	~~1170 to 1200~~	~~18~~
~~17~~	~~1140 to 1160~~	~~17~~
~~16~~	~~1100 to 1130~~	~~16~~
~~15~~	~~1060 to 1090~~	~~15~~
~~14~~	~~1010 to 1050~~	~~14~~
~~13~~	~~960 to 1000~~	~~13~~
~~12~~	~~910 to 950~~	~~12~~
~~11~~	~~870 to 900~~	~~11~~
~~10~~	~~820 to 860~~	~~10~~
~~9~~	~~810 and below~~	~~9~~
36	1550 to 1600	36
35	1490 to 1540	35
34	1440 to 1480	34
33	1380 to 1430	33

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32	1330 to 1370	32
31	1290 to 1320	31
30	1240 to 1280	30
29	1200 to 1230	29
28	1160 to 1190	28
27	1110 to 1150	27
26	1070 to 1100	26
25	1030 to 1060	25
24	990 to 1020	24
23	950 to 980	23
22	910 to 940	22
21	860 to 900	21
20	820 to 850	20
19	770 to 810	19
18	720 to 760	18
17	680 to 710	17
16	630 to 670	16
15	580 to 620	15
14	540 to 570	14
13	500 to 530	13
12	460 to 490	12
11	430 to 450	11
10	410 to 420	10
9	400	9

f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

1) First, determine the percentile of the class rank for each student in accordance with the following formula:
Percentile = [Size of Class MINUS (Rank in Class minus .5)] divided by Size of Class

2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
~~99.75 - 99.99~~	~~30~~
~~99.53 - 99.74~~	~~29~~
~~99.19 - 99.52~~	~~28~~
~~98.62 - 99.18~~	~~27~~
~~97.79 - 98.61~~	~~26~~
~~96.41 - 97.78~~	~~25~~

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~~94.53 - 96.40~~	~~24~~
~~91.93 - 94.52~~	~~23~~
~~85.50 - 91.92~~	~~22~~
~~84.14 - 85.49~~	~~21~~
~~78.82 - 84.13~~	~~20~~
~~72.58 - 78.81~~	~~19~~
~~65.56 - 72.57~~	~~18~~
~~57.93 - 65.55~~	~~17~~
~~50.00 - 57.92~~	~~16~~
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.

h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.

i) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

Section 2760.40 Other Information

a) High School officials or student candidates shall have a period of 60 days following

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the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)

b) A Certificate of Achievement and congratulatory letter are issued for ~~shall be sent to~~ each State Scholar.

c) A listing of State Scholars shall be available upon request to colleges, ~~high schools,~~ members of the General Assembly, and to the media.

d) If an appeal concerning an Applicant's eligibility is received, ISAC shall request the high school to verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Student To Student (STS) Program Of Matching Grants

2) Code Citation: 23 Ill.Adm.Code 2770

3) Section numbers: Adopted Action:

2770.30 Amended

4) Statutory Authority: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3065 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/65 and 20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 13, 1994

9) Notice(s) of Proposal Published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 1102

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested by JCAR.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: Section 2770.30(o) has had the due date for annual reports changed from September 15 to August 15. This new date matches more closely with ISAC's year end reporting schedule to the Illinois Board of Higher Education.

16) Information and questions regarding these adopted rules amendments shall be directed

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770
STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section
2770.10 Summary and Purpose
2770.20 Definitions
2770.30 Program Procedures and Requirements

AUTHORITY: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3065 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/65 and 20(f)].

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. 10632, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994.

Section 2770.30 Program Procedures and Requirements

a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois College or public University. The funds for those programs must be derived from Voluntary Contributions raised by students from students of that College or University according to a plan developed and approved by the students and consistent with College or University policies.

b) Voluntary Contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by the Commission.

c) Students shall approve the plan for raising Voluntary Contributions by a majority of those voting in a campus-wide referendum.

d) The contributions, to be eligible for matching funds, must be voluntary (as contrasted to a non-refundable fee or charge). Only those Voluntary Contributions made by enrolled students of the College or University are eligible for matching. If any fund raising activity yields contributions from other individuals or organizations, the Voluntary Contributions by enrolled students must be clearly

identifiable.

e) Particular care must be employed in implementing contribution plans that generate contributions from non-students. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.

f) No eligible contribution can exceed $9.00 per academic year.

g) The $1,000 annual limit on a STS award shall be applicable to all terms including the summer term.

h) Only students who demonstrate need by some nationally recognized needs analysis system can be considered for STS matching grants.

i) STS funds can be used for undergraduates who are otherwise eligible for an ISAC monetary award but have completed their ten (10) semesters or fifteen (15) quarters of eligibility.

j) Each institution desiring to participate in this program shall inform ISAC, annually in writing, by the deadline specified by the Commission. The method of seeking student approval of a fund raising plan shall be included in such letter.

k) A claim for matching funds can be submitted to ISAC by dates specified by the Commission. The initial claim shall include:

1) the amount of the claim;

2) how general student approval was obtained;

3) how funds were collected;

4) the steps employed to insure that student contributions were voluntary; and

5) documentation that the claim includes only Voluntary Contributions by enrolled students.

l) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.

m) A pro-rata distribution, if any, will be determined in accordance with general Commission action.

n) After ISAC has reviewed a claim and computed the proration, ISAC shall process

the necessary voucher for a check payable to the College or University for the awards.

o) Each participating College or University shall submit to ISAC an annual report, by not later than ~~September 15~~ August 15, following the award year, of the activities, operations, and results of its STS grant program. ISAC shall forward a copy of such report to the Illinois Board of Higher Education.

(Source: Amended at 18 Ill. Reg. _____, effective JUL 0 1 1994, 1994)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Driving of Motor Vehicles

2) Code Citation: 92 Ill. Adm. Code 392

3) Section Numbers: Adopted Action:

392.2000 Amend

4) Statutory Authority: Implementing Section 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111]

5) Effective date of rules: JUN 15 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

8) Date filed in agency's principal office: June 13, 1994

9) Notice of proposal published in Illinois Register:

February 25, 1994, 18 Ill. Reg. 2909

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department updates the date of incorporation by reference of 49 CFR 392 to include the federal rulemaking adopted at 58 FR 67370, December 21, 1993. By incorporating this rulemaking by reference, the Department's regulations will incorporate changes made in rulemaking Docket:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

MC-90-14 [58 FR 67370, (December 21, 1993)]

Docket MC-90-14 bans the use of radar detectors in all commercial motor vehicles as defined in 92 Ill. Adm. Code 390.1020.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
3215 Executive Park Drive
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 782-1181

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392
DRIVING OF MOTOR VEHICLES

Section
392.1000 General
392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1 2, pars. 18b-100 through 111) [625 ILCS 5 18b-100 through 111].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. _____, effective JUN 1 5 1994.

Section 392.2000 Incorporation by Reference of 49 CFR 392

a) "Driving of Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1992, as amended at 58 FR 67370, December 21, 1993. No later amendments to or editions of 49 CFR 392 are incorporated.

b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.

c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 1 5 1994)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Motor Carrier Safety Regulations: General

2) Code Citation: 92 Ill. Adm. Code 390

3) Section Numbers: Adopted Action:

390.1010	Amend
390.1020	Amend

4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111]

5) Effective date of rules: JUN 1 5 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in agency's principal office: June 13, 1994

9) Notice of proposal published in Illinois Register:

February 25, 1994, 18 Ill. Reg. 2912

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

Subpart headings were included in the text of the Register version.

A semicolon was added at Section 390.1010(f)(2) before the Federal Register Citation.

At Section 390.1020, the word "or" was deleted at the bottom of the page. Also, a slash was added between the words "and or" in the definition of "bus" in this Section.

A period was inserted at the end of the definition of "Code" in Section 390.1020. The word "set" is now plural in the definition of "Driveaway-towaway operation."

"State" is now in lower case in the definition of "Emergency" in Section 390.1020.

A slash has been added between the words "and or" in the definition of "Health Care Professional" in Section 390.1020. The word "State" is now in lower case in the definition of "North American Uniform Out-of-Service Criteria."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department is adding a definition of "radar detector" at Section 390.1020. On December 21, 1993, the Federal Highway Administration issued a final rule at 58 FR 67370, December 21, 1993 which bans the use of radar detectors in all commercial motor vehicles. Elsewhere in this of the Illinois Register, the Department is amending 92 Ill. Adm. Code 392 through an incorporation by reference to prohibit the use of radar detectors in commercial motor vehicles.

The Department also is amending Section 390.1010(f)(2) to correct an error which should have been corrected as part of the Department's last rulemaking. The reference to "recordkeeping" requirements should have corrected to say "reporting" requirements.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
3215 Executive Park Drive
P. O. Box 19212
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The full text of the Adopted Amendments begins on the next page:

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section
390.1000 Purpose
390.1010 General Applicability
390.1020 Definitions
390.1030 Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section
390.2000 Incorporation by Reference

AUTHORITY: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. _____, effective JUN 15 1994.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1010 General Applicability

a) All Parts of the MCSR except for "Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:

PERSONS EMPLOYING DRIVERS, DRIVERS AND COMMERCIAL MOTOR VEHICLES WHICH TRANSPORT PROPERTY OR PASSENGERS IN INTERSTATE OR INTRASTATE COMMERCE. (Section 18b-106 of the Law)

b) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:

1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and

2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation of hazardous materials cited in 92 Ill. Adm. Code 171.5, agricultural exception, when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified.

d) Nothing in the MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

e) The MCSR requires knowledge of and compliance with the following:

1) Every employer shall be knowledgeable of and comply with all requirements contained in the MCSR which are applicable to that motor carrier's operations.

2) Every driver and employee shall comply with all applicable requirements contained in the MCSR and shall be instructed accordingly.

3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the MCSR.

f) Except for provisions in paragraph 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101] or unless otherwise specifically provided, the requirements in the MCSR do not apply to:

1) All school bus operations as defined in Section 390.1020 of this Part;

2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States. The accident ~~reporting~~recordkeeping requirements of 49 CFR 390.15 remain applicable to the entities identified in this subsection when engaged in the interstate charter transportation of passengers; (58 FR 33775, June 21, 1993)

3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;

4) The transportation of human corpses or sick and injured persons;

5) The operation of fire trucks and rescue vehicles while involved in emergency related operations; and

6) The private transportation of passengers.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 15 1994)

Section 390.1020 Definitions

The following definitions apply to all Parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a public road which results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle;

An occurrence involving only the loading or unloading of cargo; or

An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR 571.3 by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823. (58 FR 6726, February 2, 1993)

"AGRICULTURAL MOVEMENTS" MEANS THE OPERATION OF A MOTOR VEHICLE OR COMBINATION OF VEHICLES CONTROLLED AND OPERATED BY A PRIVATE MOTOR CARRIER OF PROPERTY THAT IS USING THE VEHICLE TO TRANSPORT NONHAZARDOUS OR HAZARDOUS AGRICULTURAL CROP PRODUCTION FERTILIZERS OR AGRICULTURAL CHEMICALS FROM A LOCAL SOURCE OF SUPPLY TO FARM OR FIELD, OR FROM ONE FARM OR FIELD TO ANOTHER, OR FROM FARM OR FIELD BACK TO THE LOCAL SOURCE OF SUPPLY. (Section 18b-101 of the Law)

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety Regulations: General" (49 CFR 390.5, October 1, 1992)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1992)

"BUSINESS DISTRICT" MEANS THE TERRITORY CONTIGUOUS TO AND INCLUDING A HIGHWAY WHEN WITHIN ANY 600 FEET ALONG SUCH HIGHWAY THERE ARE BUILDINGS IN USE FOR BUSINESS OR INDUSTRIAL PURPOSES, INCLUDING BUT NOT LIMITED TO, HOTELS, BANKS, OR OFFICE BUILDINGS WHICH OCCUPY AT LEAST 300 FEET OF FRONTAGE ON ONE SIDE OR 300 FEET COLLECTIVELY ON BOTH SIDES OF THE HIGHWAY. (Section 1-108 of the Illinois Vehicle Code (the Code)(Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1-108)) [625 ILCS 5/1-108].

"Charter transportation of passengers" means transportation, using a bus, or a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1992)

"Code" means the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 1-100 et seq.) [625 ILCS 5].

"COMMERCE" MEANS TRADE, COMMERCE OR TRANSPORTATION WITHIN THE STATE. (Section 18b-101(1) of the Law)

"COMMERCIAL MOTOR VEHICLE (CMV)" MEANS ANY SELF PROPELLED OR TOWED VEHICLE USED ON PUBLIC HIGHWAYS IN INTERSTATE AND INTRASTATE COMMERCE TO TRANSPORT PASSENGERS OR PROPERTY WHEN THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING OF 10,001 OR MORE POUNDS; OR THE VEHICLE IS DESIGNED TO TRANSPORT MORE THAN 15 PASSENGERS, INCLUDING THE DRIVER; OR THE VEHICLE IS USED IN THE TRANSPORTATION OF HAZARDOUS MATERIALS IN A QUANTITY REQUIRING PLACARDING UNDER THE ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT. THIS DEFINITION SHALL NOT INCLUDE FARM MACHINERY, FERTILIZER SPREADERS, AND OTHER SPECIAL AGRICULTURAL MOVEMENT EQUIPMENT DESCRIBED IN SECTION 3-809 OF THE CODE NOR IMPLEMENTS OF HUSBANDRY AS DEFINED IN SECTION 1-130 OF THE CODE. (Section 18b-101 of the Law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield glazing and wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield and wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1993)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1992)

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF TRANSPORTATION. (Section 18b-101 of the Law)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medial care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 1992)

"Disabling Damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (58 FR 6726, February 2, 1993)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: Driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1992)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1992)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1992)

"Emergency" means any hurricane, tornado, storm (e.g. thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion,

blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies; or

A request by a police officer for tow trucks to move wrecked or disabled vehicles. (49 CFR 390.5, October 1, 1992)

"Emergency relief" means an operation in which a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1992)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);
A mechanic;
A freight handler; and
Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1992)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate

it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Interstate Commerce Commission (ICC) in "Commercial Zones" (49 CFR 1048), revised as of October 1, 1975. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1992)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 U.S.C. 10526). "Exempt motor carriers" are subject to the requirements set forth in the Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1992)

"FARM TO MARKET AGRICULTURAL TRANSPORTATION" MEANS THE OPERATION OF A MOTOR VEHICLE CONTROLLED AND OPERATED BY A FARMER WHO IS A PRIVATE MOTOR CARRIER OF PROPERTY; WHO IS USING THE VEHICLE TO TRANSPORT AGRICULTURAL PRODUCTS TO OR FROM A FARM OPERATED BY THE FARMER, OR TO TRANSPORT FARM MACHINERY OR FARM SUPPLIES TO OR FROM A FARM OPERATED BY THE FARMER; AND WHO IS NOT USING THE COMMERCIAL VEHICLE TO TRANSPORT HAZARDOUS MATERIALS OF A TYPE OR QUANTITY THAT REQUIRES THE VEHICLE TO BE PLACARDED IN ACCORDANCE WITH THE ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT. (Section 18b-101 of the Law)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --
Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;
Not being used in the operation of a for-hire motor carrier;
Not carrying hazardous materials of a type or quantity that required the vehicle to be placarded in accordance with 49 CFR 177.823; and
Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or
Are under the direct control of that person. (49 CFR 390.5, October 1, 1992)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (58 FR 6726, February 2, 1993)

"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1992)

"FOR-HIRE" MEANS THE OPERATION OF A VEHICLE FOR COMPENSATION AND SUBJECT TO FEDERAL REGULATION BY THE INTERSTATE COMMERCE COMMISSION OR TO STATE REGULATION BY THE ILLINOIS COMMERCE COMMISSION (Section 1-124 of the Code).

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1992)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1992)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (49 CFR 390.5, October 1, 1992)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1992)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in the "Hazardous Materials Table and Hazardous Materials Communications" (49 CFR 172.101) when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1992)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a State under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1992)

"Health Care Professional" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. The term includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Illinois State Police" means any individual officer of the Illinois State Police.

"IMPLEMENT OF HUSBANDRY" MEANS EVERY VEHICLE DESIGNED AND ADAPTED EXCLUSIVELY FOR AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK RAISING OPERATIONS, INCLUDING FARM WAGONS, WAGON TRAILERS OR LIKE VEHICLES USED IN CONNECTION THEREWITH, OR FOR LIFTING OR CARRYING AN IMPLEMENT OF HUSBANDRY PROVIDED THAT NO FARM WAGON, WAGON TRAILER OR LIKE VEHICLE HAVING A GROSS WEIGHT OF MORE THAN 36,000 POUNDS, SHALL BE INCLUDED HEREUNDER. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of 49 CFR 391.63 or 391.65, as applicable. (49 CFR 390.5, October 1, 1992)

"INTERSTATE COMMERCE" MEANS TRANSPORTATION BETWEEN TWO OR MORE STATES OR TRANSPORTATION ORIGINATING IN ONE STATE AND PASSING INTO OR THROUGH OTHER STATES FOR DELIVERY IN ANOTHER STATE. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1992)

"Law" means the Illinois Motor Carrier Safety Law. (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111 [625 ILCS 5/18b-100 through 111]

"Motor carrier" means a for-hire motor carrier or a private motor carrier of property. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the MCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR. 390.5, October 1, 1992)

"Motor Carrier Safety Regulations (MCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1992)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the providences of Canada as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

"Operator" -- see driver.

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1992)

"PERSON" MEANS ANY NATURAL PERSON OR INDIVIDUAL, GOVERNMENTAL BODY, FIRM, ASSOCIATION, PARTNERSHIP, COPARTNERSHIP, JOINT VENTURE, COMPANY, CORPORATION, JOINT STOCK COMPANY, TRUST, ESTATE OR ANY OTHER LEGAL ENTITY OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNS. (Section 18b-101(5) of the Law)

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49 CFR 387), "Federal Motor Carrier Safety Regulations; General" (49 CFR 390) "Qualification of Drivers" (49 CFR 391), "Hours of Service of Drivers" (49 CFR 395), and "Inspection, Repair and Maintenance" (49 CFR 396) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of business. (58 FR 33775, June 21, 1993)

"Private motor carrier of passengers" means a person who is engaged in an enterprise and provides transportation of passengers, by motor vehicle, that is within the scope of, and in the furtherance of that enterprise. (49 CFR 390.5, October 1, 1992)

"Private motor carrier of property" means a person who provides transportation of property by motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1992)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to

measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle. (58 FR 67370, December 21, 1993)

"Regional Director" means the Regional Director, Office of Motor Carrier Safety, for a given geographical region of the United States. (49 CFR 390.5, October 1, 1992)

"Regularly employed driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. (49 CFR 390.5, October 1, 1992)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1992)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1992)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"SPECIAL AGRICULTURAL MOVEMENT EQUIPMENT" MEANS A VEHICLE OF THE SECOND DIVISION HAVING A CORN SHELLER, A WELLDRILLER, HAY PRESS, CLOVER HULLER, FEED MIXER AND UNLOADER OR OTHER FARM MACHINERY PERMANENTLY MOUNTED THEREON AND USED SOLELY FOR TRANSPORTING THE SAME, FARM WAGON TYPE TRAILERS HAVING A FERTILIZER SPREADER ATTACHMENT PERMANENTLY MOUNTED THEREON, HAVING A GROSS WEIGHT OF NOT TO EXCEED 36,000 POUNDS AND FARM WAGON TYPE TANK TRAILERS (I.E., NURSE TANKS) NOT TO EXCEED 2,000 GALLON CAPACITY. ALSO INCLUDES ANY SINGLE UNIT SELF-PROPELLED AGRICULTURAL FERTILIZER IMPLEMENT, DESIGNED FOR BOTH ON AND OFF ROAD USE, EQUIPPED WITH FLOTATION TIRES AND OTHERWISE ESPECIALLY ADAPTED FOR THE APPLICATION OF PLANT FOOD MATERIALS OR AGRICULTURAL CHEMICALS. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1992)

"Trailer" includes"

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1992)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1992)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1992)

"Truck" means any self-propelled motor vehicle except a truck/tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1992)

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"Truck/tractor" means a self-propelled motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1992)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1992)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 15 1994)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF EMERGENCY AMENDMENT(S)

1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3)

Section Number:	Emergency Action:
240.860	Amended
240.861	Amended

4) Statutory Authority: Implemented and authorized by Sections 6 and 8a of The Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5409 and 5413) 225 ILCS 725/6 and 725/8a)

5) Effective Date of Amendments: JUN 21 1994

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: JUN 21 1994

8) Reason for Emergency:
The Department developed rules over the course of the last two (2) years which outlines the closure of earthern pits at oil production facilities. The pits were used for the storage of oilfield brine and other associated oil and gas wastes, and constituted an environmental hazard due to the leaking of oilfield brine and associates wastes onto the surface of the land and into the groundwaters of the state. The rules dealing with pit closure became effective November 8, 1993. During the later stages of the rule adoption process, the issue of Natural Occurring Radioactive Material (NORM) associated with oil and gas wastes began to develop as an environmental issue on the national and consequently state level. There are currently no federal rules dealing with the disposal of NORM and only a handful of states have adopted rules dealing with the disposal of oil and gas waste containing NORM.

During the rule making process and during consultation with the Illinois Department of Nuclear Safety (IDNS), the Department has determined that it is in the State's best interest to address NORM during the closure of the saltwater storage pits. The proposed emergency rules address the areas of public health and safety relative to the closure of these pits. The Department requests that these emergency rules be immediately adopted in so far as the oil and gas industry is currently in the process of closing pits in accordance with Department rules.

9) A Complete Description of the Subjects and Issues Involved:
During the process of oil production, oilfield brine (saltwater) is produced with the oil. The oilfield brine will contaminate the groundwater and land surface if not properly disposed. In the past, oilfield brine was collected in earthen pits at production facilities prior to removal for disposal. Initially, the pits were not lined with any synthetic or natural materials to prevent the leakage of the oilfield brine into the groundwater system. The pits were later lined with synthetic materials, but, as the lining material degraded, these

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pits began to leak and have been a source of groundwater and surface land contamination over the years. The disposal of oilfield brine is now regulated as part of the USEPA Underground Injection Control Program, which is administered by the Department. The Department developed rules for the closure of these pits (with certain exceptions for cement pits or pits with extremely thick rubber liners) to remove sources of contamination throughout the oil producing regions of the state.

During the development of these rules, the presence of NORM contained in oilfield brine became an issue. NORM is a low level radioactive, naturally occurring mineral brought to the surface with the oil and brine precipitated out in the earthen pits. As this issue gained national prominence, and the Department and IDNS became aware of the issue, both agencies determined the NORM material should be addressed during the disposal of oil and gas waste. The Department and IDNS have been meeting to discuss the nature of regulations dealing with NORM in oil and gas wastes and both departments have proposed various solutions to the disposal methods for such wastes. As the oil and gas industry is currently closing pits in accordance with established Department rules, emergency rules are required to address public health concerns about oil and gas wastes containing NORM.

10) Are there any other amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

12) Information and questions regarding this amendment shall be directed to:

John C. Henriksen
Department of Mines and Minerals
300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, Illinois 62791-0137
(217)782-6791

The full text of the Emergency Amendments begins on the next page.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240
THE ILLINOIS OIL AND GAS ACT

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Section
240.10 Definitions
240.20 Prevention of Waste (Repealed)
240.30 Jurisdiction (Repealed)
240.40 Enforcement of Act (Repealed)
240.50 Delegation of Authority (Repealed)
240.60 Right of Inspection (Repealed)
240.70 Right of Access (Repealed)
240.80 Sworn Statements (Repealed
240.90 Additional Reports (Repealed)
240.100 When Rules Become Effective (Repealed)
240.110 Notice of Rules (Repealed)
240.120 Forms (Repealed)
240.130 Hearings--Notices (Repealed)
240.131 Unitization Hearings
240.132 Integration Hearings
240.133 Hearings to Establish Pool-Wide Drilling Units
240.140 Violations Not Requiring Formal Action
240.150 Notice of Violation
240.160 Director's Decision
240.170 Cessation Order
240.180 Enforcement Hearings
240.190 Temporary Relief
240.195 Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section
240.200 Applicability
240.210 Application for Permit to Drill, Deepen or Convert to a Production Well
240.220 Contents of Application
240.230 Authority of Person Signing Application
240.240 Additional Requirements for Directional Drilling
240.250 Issuance of Permit to Drill
240.255 Underground Injection and Disposal Projects (Recodified)
240.260 Change of Well Location
240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280 Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section
240.300 Applicability

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240.305 Transfer of Management (Recodified)
240.310 Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
240.320 Contents of Application
240.330 Authority of Person Signing Application
240.340 Proposed Well Construction and Operating Parameters
240.350 Groundwater and Potable Water Supply Information
240.360 Area of Review
240.370 Public Notice
240.380 Issuance of Permit
240.390 Permit Amendments
240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section
240.410 Drilling Units
240.420 Well Location Exceptions within Drilling Unit
240.430 Drilling Unit Exceptions
240.440 More Than One Well on a Drilling Unit
240.450 Directional Drilling
240.460 Modified Drilling Unit
240.470 Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING, COMPLETION AND WORKOVER REQUIREMENTS

Section
240.500 Definitions
240.510 Department Permit Posted
240.520 Drilling Fluid Handling and Storage
240.530 Completion Fluid and Completion Fluid Waste Handling and Storage
240.540 Drilling and Completion Pit Restoration
240.550 Disposal of General Oilfield Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS OPERATING REQUIREMENTS

Section
240.600 Applicability
240.610 Construction Requirements for Production Wells
240.620 Remedial Cementing of Leaking Wells
240.630 Operating Requirements
240.640 Reporting Requirements
240.650 Confidentiality of Well Data
240.655 Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670 Avoidable Waste of Gas (Repealed)
240.680 Escape of Unburned Gas Prohibited (Repealed)

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240.700 Applicability
240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
240.720 Surface and Production Casing Requirements for Conversion to Class II UIC Wells
240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740 Other Construction Requirements for Class II UIC Wells
240.750 Operating Requirements for Class II UIC Wells
240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells
240.770 Establishment of External Mechanical Integrity for Class II UIC Wells
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SUBPART H: LEASE OPERATING REQUIREMENTS

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240.800 Definitions
240.805 Lease and Well Identification
240.810 Tanks and Containment Dikes
240.820 Flowlines
240.830 Power Lines
240.840 Equipment Storage
240.850 Concrete Storage Structures
240.860 Pits
EMERGENCY
240.861 Existing Pit Exemption
EMERGENCY
240.870 Leaking Unpermitted Drill Hole
240.880 Spill Notification
240.890 Crude Oil Spill Clean-Up Requirements
240.895 Produced Water Spill Clean-Up Requirements

SUBPART I: LIQUID OIL FIELD WASTE AND SPILL RELATED WASTE HANDLING AND DISPOSAL

Section
240.905 Application for Permit to Operate a Liquid Oilfield Waste Transportation System
240.906 Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910 Inspection of Vehicles (Tanks)
240.920 Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925 Liquid Oilfield Waste Recordkeeping Requirements
240.930 Produced Water

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240.940 Crude Oil Bottom Sediments
240.950 Crude Oil Spill Waste Disposal
240.960 Oil Field Brine Hauling Permit Conditions (Repealed)
240.970 Inspection of Vehicles (Repealed)
240.980 Transfer of Permits (Repealed)
240.985 Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990 Records and Reporting Requirements (Repealed)
240.995 Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

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240.1005 Requirements for Use of Vacuum Pumps
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240.1020 Notice and Hearing on Application
240.1030 Mining Board Authority

SUBPART K: PLUGGING OF WELLS

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240.1105 Plugging of Non-Productive Wells (Repealed)
240.1110 Definitions
240.1120 Plugging of Uncased Wells
240.1130 Plugging or Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells
240.1140 General Plugging Procedures and Requirements
240.1150 Specific Plugging Procedures
240.1151 Procedures for Plugging Coal Seams
240.1160 Plugging Fluid Handling and Storage
240.1170 Plugging Fluid Waste Disposal and Well Site Restoration
240.1180 Lease Restoration (Repealed)
240.1181 Lease Restoration Requirements
240.1190 Filing Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section
240.1200 Applicability
240.1205 Application for Permit to Drill a Test Well or Drill Hole
240.1210 Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220 Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230 Authority of Person Signing Application
240.1240 Issuance of Permit
240.1250 When Wells Shall Be Plugged and Department Notification
240.1260 Plugging and Restoration Requirements
240.1270 Confidentiality
240.1280 Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section

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240.1300 Introduction
240.1305 Permit Requirements in Mine Areas
240.1310 Workable Coal Beds Defined
240.1320 Mining Board may Determine Presence of Coal Seams
240.1330 Well Locations Prohibited
240.1340 Notice to Mining Board
240.1350 Casing and Protective Work
240.1360 Operational Requirements Over Active Mine
240.1370 Inspection of Vehicles (Recodified)
240.1380 Transfer of Permits (Recodified)
240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)
240.1390 Records and Reporting Requirements (Recodified)
240.1395 Bonds--Blanket Surety Bond (Recodified)

SUBPART N: TRANSFER OF PERMIT

Section
240.1400 Definitions
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240.1410 Applicability
240.1420 When Notification to be Made
240.1430 Responsibilities of Current Permittee
240.1440 Responsibilities of New Permittee
240.1450 Authority of Persons Signing Notification
240.1460 Other Conditions for and Effect of Transfer
240.1470 Casing Puller's Bond (Repealed)
240.1480 Administrative Record Correction Transfer

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240.1500 When Required, Amount and When Released
240.1510 Definitions
240.1520 Bond Requirements
240.1530 Forfeiture of Bonds

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240.1600 Definitions
240.1610 Plugging Leaking or Abandoned Wells
240.1620 Plugging Orphan Wells
240.1630 Emergency Wells; Remedial Work
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SUBPART Q: ANNUAL WELL FEES

Section
240.1700 Fee Liability
240.1705 Amount of Assessment
240.1710 Annual Permittee Reporting
240.1720 When Fees are Due
240.1730 Opportunity to Contest Billing

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240.1740 Delinquent Permittees

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240.1800 Applicability
240.1805 Definitions
240.1810 Submission of Underground Gas Storage Field Map
240.1820 Permit Requests in a Underground Gas Storage Field
240.1830 Application for Permit to Drill or Convert Wells
240.1835 Content of Application for Permit to Drill or Convert to an Observation or Gas Storage Well
240.1840 Authority of Person Signing Application
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240.1855 Well Drilling Completion and Workover Requirements
240.1860 Storage Field Operating Requirements
240.1865 Liquid Oilfield Waste Disposal
240.1870 Plugging of Gas Storage and Observation Wells

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section
240.1900 Applicability
240.1905 Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
240.1910 Contents of Application for Permit to Drill or Convert to a Service Well
240.1920 Authority of Person Signing Application
240.1930 Issuance of Permit
240.1940 When Wells Shall Be Plugged and Department Notification
240.1950 Plugging and Restoration Requirements
240.1960 Converting to Water Well

AUTHORITY: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413) (225 ILCS 725/6 and 8a).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993 for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended

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at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at _____ Ill. Reg. _____, effective JUN 2 1 1994, 1994 for a maximum of 150 days.

(NOTE: Capitalization denotes statutory language.)

SUBPART H: LEASE OPERATING REQUIREMENTS

Section 240.860 Pits
EMERGENCY

a) "Pit", as used in this Section, is a synthetic lined or unlined earthen surface impoundment, whether a man-made excavation or a diked area, used for temporary storage of liquid oil field waste or produced water prior to disposal.

b) Construction of pits other than those specified in Subparts E and K of this Part is prohibited.

c) All ~~existing~~ pits <u>in existence on May 13, 1994</u> shall be closed <u>by July 1, 1995</u> as follows<u>,</u> unless ~~constructed~~ <u>exempted</u> in accordance with Section 240.861 of this Part:

1) All pits without synthetic liners shall be restored in accordance with subsection (d) below ~~within nine (9) months after the effective date of this Section~~.

2) Unpermitted synthetic lined pits shall be restored in accordance with subsection (d) below ~~within nine (9) months~~.

3) Pits with leaking or torn liners shall be restored in accordance with subsection (d) below ~~within nine (9) months~~.

4) Permitted synthetic lined pits that are not torn or leaking shall be restored in accordance with subsection (d) below within five (5) years from the Department's pit permit date.

5) Synthetic lined pits permitted more than five (5) years ago shall be restored in accordance with subsection (d) ~~below within nine (9) months after the effective date of this Section~~.

d) Pits shall be restored as follows:

1) Produced water shall be disposed of in accordance with Section 240.940(b).

2) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a).

3) The pit residue shall either be:

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A) removed from the site and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous special waste landfill, provided that the pit residue does not contain NORM with radioactivity levels exceeding background, or

B) consolidated from the sides to the bottom of the pit and covered in place with a clay or synthetic liner sufficient to impede the infiltration of surface water and ~~buried~~ placed at least five (5) feet below the ground surface. The pit shall be backfilled and, the pit residue covered with 5' of soil having a radioactivity level at or below background level with the upper most 18" consisting of clean soil not contaminated by oilfield brine or crude oil. The backfilled area shall be graded to promote runoff with no depressions that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land use. The surface area over the backfilled pit area shall be stabilized to prevent erosion.

C) For all pits closed under this Section, the permittee shall file a notice in the deed records of the county in which the pit is located on or before the date the pit is closed. The notice shall specify the location of the pit, generally identify the nature of the materials buried, and if known, specify the radioactivity level of the material buried. If the radioactivity is not known, the notice shall specify that the buried oil and gas waste may contain Naturally Occurring Radioactive Material (NORM).

(Source: Emergency Amendment at ____ Ill. Reg. _____, effective JUN 21 1994, 1994 for a maximum of 150 days)

Section 240.861 Existing Pit Exemption
EMERGENCY

a) Any ~~existing~~ pit in existence on May 13, 1994, ~~on the effective date of this rule,~~ does not have to be closed in accordance with Section 240.860(c) of this Part if presently constructed or will be reconstructed by July 1, 1995 as follows:

1) The pit must be lined with a synthetic flexible liner that is compatible with the produced fluid and has a coefficient of permeability of no greater than 1 x 10-7 cm/sec and shall be at least 30 mils in thickness. Adjoining sections of liners must be sealed together in accordance with the manufacturer's specifications; and

2) The pit must be underlined by a gravel sub-base, at least 4" in thickness, in which slotted or perforated PVC pipe has been placed in order to provide for under pit drainage. This drainage system must be constructed to allow monitoring and

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sampling of fluid drainage from underneath the pit.

b) All existing pits covered by this rule shall be permitted in accordance with Section 240.850(c) of this Part and include an engineering diagram of the construction specifications of the pit.

c) All existing pits covered by this Section shall be in compliance with Section 240.850(d)(1) through (5) of this Part.

d) All existing pits covered by this Section shall sample, quarterly, the fluid drainage from beneath the pit. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices for review upon request, by the Department.

e) If the fluid analysis indicates a leak is present, the Department shall be notified within five (5) days and the pit shall be drained and repaired.

f) All existing pits covered by this Section shall be subject to inspection in accordance with Section 240.850(f) of this Part.

(Source: Emergency Amendment at _____ Ill. Reg. _____, effective JUN 21 1994, 1994, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

1) Heading of the Part:

Illinois Veterans' Homes Code

2) Code Citation:

77 Ill. Adm. Code 340

3)

Section Numbers:	Emergency Action:
340.1000	New Section
340.1010	New Section
340.1110	New Section
340.1120	New Section
340.1130	New Section
340.1140	New Section
340.1150	New Section
340.1160	New Section
340.1170	New Section
340.1190	New Section
340.1200	New Section
340.1210	New Section
340.1220	New Section
340.1230	New Section
340.1240	New Section
340.1250	New Section
340.1260	New Section
340.1300	New Section
340.1310	New Section
340.1320	New Section
340.1330	New Section
340.1340	New Section
340.1350	New Section
340.1360	New Section
340.1370	New Section
340.1400	New Section
340.1410	New Section
340.1420	New Section
340.1430	New Section
340.1440	New Section
340.1450	New Section
340.1460	New Section
340.1470	New Section
340.1480	New Section

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340.1500	New Section
340.1510	New Section
340.1520	New Section
340.1530	New Section
340.1540	New Section
340.1550	New Section
340.1560	New Section
340.1570	New Section
340.1580	New Section
340.1590	New Section
340.1600	New Section
340.1610	New Section
340.1620	New Section
340.1630	New Section
340.1700	New Section
340.1710	New Section
340.1720	New Section
340.1730	New Section
340.1800	New Section
340.1810	New Section
340.1820	New Section
340.1830	New Section
340.1840	New Section
340.1900	New Section
340.1910	New Section
340.1920	New Section
340.1930	New Section
340.1940	New Section
340.1950	New Section
340.1960	New Section
340.2000	New Section
340.2010	New Section
340.2020	New Section
340.2030	New Section
340.2040	New Section
340.2050	New Section
340.TABLE A	New Section
340.TABLE B	New Section

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.

[210 ILCS 45]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

5) Effective Date of Emergency Rules:

June 21, 1994

6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:

N/A

7) Date Filed in Agency's Principal Office:

June 21, 1994

8) Reason for Emergency:

The Department of Public Health is adopting these emergency rules so that the newly constructed Anna Veterans Home, a 50-bed skilled nursing facility in Anna, Illinois, can be licensed under the Nursing Home Care Act. State licensure is necessary for the federal Department of Veterans' Affairs to provide funding for the operation of the facility. The Department has been working with the Illinois Department of Veterans' Affairs to develop plans to bring existing, Illinois veterans' facilities into compliance with federal requirements. The State was informed in May, however, that the new facility at Anna could not be included in those plans but would have to be licensed under the Nursing Home Care Act. The Illinois General Assembly has requested a guarantee that the facility will meet licensure requirements in order for the appropriation of federal funds to be included in the State budget for fiscal year 1995. The Department had begun developing proposed licensure rules for the facility, but the use of the regular rulemaking process would not have allowed the facility to be licensed before the beginning of the fiscal year. A possible loss of funding for the facility for FY'95 poses a threat to the health and welfare of those clients whom the new facility was developed to serve, particularly since Southern Illinois is already experiencing a shortage of health care services.

Although the new facility will be licensed under the Nursing Home Care Act, new rules, rather than amendments to the existing licensure rules, were necessary to avoid duplication. The federal government has regulations addressing physical plant, staffing, resident services, and equipment and an extensive inspection program for Veterans' facilities. The emergency rules set forth the minimum surveillance requirements necessary to issue a license under the Nursing Home Care Act.

The Department plans to propose permanent rules after the rules are considered by the Long-Term Care Facility Advisory Board at its July 20, 1994 meeting, in accordance with the requirements of the Nursing Home Care Act.

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NOTICE OF EMERGENCY RULES

9) A Complete Description of the Subjects and Issues Involved:

These rules establish licensure requirements for Illinois Veterans' Homes. Subpart A of rules includes general requirements for licensure, such as: application requirements; criteria for adverse licensure actions; inspections, surveys, evaluations, and consultations; definitions of terms used in the rules; and incorporated and referenced materials. Subpart B sets forth provisions governing policies and facility records, including admission and discharge policies; disaster preparedness; facility record requirements; and personnel policies. Resident Rights requirements are established in Subpart C. Health Services, such as medical care and communicable disease policies, physician services, life-sustaining treatments, and the use of restraints, are addressed in Subpart D. Subpart E sets forth requirements for resident living services, such as recreational and activity programs and social and educational services. Resident records requirements are contained in Subpart F, and food service requirements are in Subpart G. Subpart H includes provisions for physical plant services, furnishings, equipment, and supplies, including water supply, sewage disposal, and plumbing.

10) Are there any proposed amendments to this Part pending?

No

Section Numbers	Proposed Action	Ill. Reg. Citation

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section
340.1000 Definitions
EMERGENCY
340.1010 Incorporated and Referenced Material
EMERGENCY
340.1110 General Requirements
EMERGENCY
340.1120 Application for License
EMERGENCY
340.1130 Criteria for Adverse Licenseure Actions
EMERGENCY
340.1140 Denial of Initial License
EMERGENCY
340.1150 Revocation or Denial of Renewal of License
EMERGENCY
340.1160 Inspections, Surveys, Evaluations, and Consultations
EMERGENCY
340.1170 Presentation of Findings by the Department
EMERGENCY
340.1190 Ownership Disclosure
EMERGENCY
340.1200 Monitor and Receivership
EMERGENCY
340.1210 Determination of a Violation
EMERGENCY
340.1220 Determination of the Level of a Violation
EMERGENCY
340.1230 Plans of Correction and Reports of Correction
EMERGENCY
340.1240 Calculation of Penalties
EMERGENCY
340.1250 Reduction or Waiver of Penalties
EMERGENCY
340.1260 Waivers
EMERGENCY

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SUBPART B: POLICIES AND FACILITY RECORDS

Section
340.1300 Facility Policies
EMERGENCY
340.1310 Admission and Discharge Policies
EMERGENCY
340.1320 Disaster Preparedness
EMERGENCY
340.1330 Serious Incidents and Accidents
EMERGENCY
340.1340 Facility Record Requirements
EMERGENCY
340.1350 Personnel Policies
EMERGENCY
340.1360 Initial Health Evaluation for Employees
EMERGENCY
340.1370 Administrator
EMERGENCY

SUBPART C: RESIDENT RIGHTS

Section
340.1400 Implementation of Resident Rights and Facility Responsibilities
EMERGENCY
340.1410 General
EMERGENCY
340.1420 Contract Between Resident and Facility
EMERGENCY
340.1430 Residents' Advisory Council
EMERGENCY
340.1440 Abuse and Neglect
EMERGENCY
340.1450 Communication and Visitation
EMERGENCY
340.1460 Resident's Funds
EMERGENCY
340.1470 Transfer or Discharge
EMERGENCY
340.1480 Complaint Procedures
EMERGENCY

SUBPART D: HEALTH SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

Section
340.1500 Medical Care Policies
EMERGENCY
340.1510 Communicable Disease Policies
EMERGENCY
340.1520 Tuberculin Skin Test Procedure
EMERGENCY
340.1530 Physician Services
EMERGENCY
340.1540 Life-Sustaining Treatments
EMERGENCY
340.1550 Obstetrical and Gynecological Care
EMERGENCY
340.1560 Nursing Personnel
EMERGENCY
340.1570 Personal Care
EMERGENCY
340.1580 Restraints
EMERGENCY
340.1590 Nonemergency Use of Restraints
EMERGENCY
340.1600 Emergency Use of Restraints
EMERGENCY
340.1610 Unnecessary, Psychotropic, and Antipsychotic Drugs
EMERGENCY
340.1620 Medication Administration
EMERGENCY
340.1630 Self-Administration of Medication
EMERGENCY

SUBPART E: RESIDENT LIVING SERVICES

Section
340.1700 Recreational and Activity Programs
EMERGENCY
340.1710 Social Services
EMERGENCY
340.1720 Work Programs
EMERGENCY

SUBPART F: RESIDENT RECORDS

Section
340.1800 Resident Record Requirements

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NOTICE OF EMERGENCY RULES

EMERGENCY
340.1810 Content of Medical Record
EMERGENCY
340.1820 Records Pertaining to Resident's Property
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. _____, effective JUN 2 1 1994, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 340.1000 Definitions
EMERGENCY

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT

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RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45]

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 340.1220 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Type A or Type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE - MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

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APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

CHEMICAL RESTRAINT - IS ANY DRUG that is USED FOR DISCIPLINE OR CONVENIENCE AND is NOT REQUIRED TO TREAT MEDICAL SYMPTOMS. (Section 2-106 of the Act)

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience - any action taken by the facility to control resident behavior or maintain residents with a lesser amount of effort by the facility and not in the resident's best interest.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons

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holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 2301 et seq.) [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

DEVELOPMENTAL DISABILITY - MEANS A SEVERE, CHRONIC DISABILITY OF A PERSON WHICH:

IS ATTRIBUTABLE TO A MENTAL OR PHYSICAL IMPAIRMENT OR COMBINATION OF MENTAL AND PHYSICAL IMPAIRMENTS, such as mental retardation, cerebral palsy, epilepsy, autism;
IS MANIFESTED BEFORE THE PERSON ATTAINS AGE 22;
IS LIKELY TO CONTINUE INDEFINITELY;
RESULTS IN SUBSTANTIAL FUNCTIONAL LIMITATIONS IN 3 OR MORE OF THE FOLLOWING AREAS OF MAJOR LIFE ACTIVITY:
SELF-CARE,
RECEPTIVE AND EXPRESSIVE LANGUAGE,
LEARNING,
MOBILITY,
SELF-DIRECTION
CAPACITY FOR INDEPENDENT LIVING, AND
ECONOMIC SELF-SUFFICIENCY; AND
REFLECTS THE PERSON'S NEED FOR COMBINATION AND SEQUENCE OF SPECIAL, INTERDISCIPLINARY OR GENERIC CARE, TREATMENT OR OTHER SERVICES WHICH ARE OF LIFELONG OR EXTENDED DURATION AND ARE INDIVIDUALLY PLANNED AND COORDINATED. (Section 3-801.1 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or
is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
has successfully completed a Dietary Manager's Association approved dietary managers course; or
is certified as a dietary manager by the Dietary Manager's Association; or
has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

EMERGENCY - A SITUATION, PHYSICAL CONDITION OR ONE OR MORE PRACTICES, METHODS OR OPERATIONS WHICH PRESENT IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL OR MENTAL HARM TO RESIDENTS OF A FACILITY. (Section 1-112 of the Act)

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE (Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) [55 ILCS 5], OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR

THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85];

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10];

ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4181 et seq.) [210 ILCS 35];

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 621 et seq.) [210 ILCS 140];

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY;

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE AND CERTIFICATION ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 1701 et seq.) [210 ILCS 135]; OR

ANY SUPPORTIVE RESIDENCE LICENSED UNDER THE SUPPORTIVE RESIDENCES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 9001 et seq.) [210 ILCS 65] (Section 1-113 of the Act)

Financial Resources - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

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Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 1-1 et seq.) [755 ILCS 5] (Section 1-114 of the Act)

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Illinois Veterans' Home - a facility owned but not operated by the Illinois Department of Veterans' Affairs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, pars. 3651 et seq.) [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

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Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

Neglect means:

The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

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Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR MAINTENANCE, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, WHO, IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE OR WHO IS INCAPABLE OF MANAGING

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HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED FOR SUCH INDIVIDUAL. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4121 et seq.) [225 ILCS 85].

PHYSICAL RESTRAINT - ANY MANUAL METHOD OR PHYSICAL OR MECHANICAL DEVICE, MATERIAL, OR EQUIPMENT ATTACHED OR ADJACENT TO THE RESIDENT'S BODY, which the individual CANNOT REMOVE EASILY AND WHICH RESTRICTS FREEDOM OF MOVEMENT OR NORMAL ACCESS TO ONE'S BODY. (Section 2-106 of the Act)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111 pars. 4251 et seq.) [225 ILCS 90].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4400-1 et seq.) [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, pars. 5351 et seq.) [225 ILCS 15].

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

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Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - FOR PURPOSES OF ASSESSING FINES UNDER SECTION 3-305 OF THE ACT, A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH a subsequent inspection indicates that AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, within a period of not more than twelve months from the issuance of the initial violation. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305(7) of the Act)

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - use of a physical or chemical restraint.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

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Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 6351 et seq.) [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 340.1130(b)(1).

Sufficient - same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

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Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

Section 340.1010 Incorporated and Referenced Materials
EMERGENCY

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the

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American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.

2) Federal statutes and regulations:

A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

B) Social Security Act (42 U.S.C. 301 et seq.);

D) Veterans' Benefits (38 U.S.C. 101; 38 U.S.C. 641 et seq.);

C) U.S. Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for Disease Control, U.S. Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333.

i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981);

ii) Guideline for Handwashing and Hospital Environmental Control (1985);

iii) Guideline for Prevention of Intravascular Infections (October 1981);

iv) Guideline for Prevention of Surgical Wound Infections (March 1982; Revised 1985);

v) Guideline for Prevention of Nosocomial Pneumonia (July 1982);

vi) Guideline for Isolation Precautions in Hospitals (July 1983);

vii) Guideline for Infection Control in Hospital Personnel (July 1983).

E) General program requirements for construction and acquisition of and equipment for State home facilities (38 CFR 17.177);

F) Domiciliary and nursing home care program (38 CFR 17.178);

G) State home hospital program (38 CFR 17.179);

H) General design guidelines and standards (38 CFR 17.183).

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3) State of Illinois Statutes:

A) The Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25];

B) The Election Code (Ill. Rev. Stat. 1991, ch. 46, par. 1-1 et seq). [10 ILCS 5];

C) Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.) [5 ILCS 140];

D) General Not For Profit Corporation Act of 1986 (Ill. Rev. State. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105];

E) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960];

F) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65];

G) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75];

H) Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111, par. 4251 et seq.) [225 ILCS 90];

I) Life Care Facilities Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40];

J) Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60];

K) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1-100 et seq.) [405 ILCS 5];

L) Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, par. 3651 et seq.) [225 ILCS 70];

M) Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2 par. 4151-101 et seq.) [210 ILCS 45];

N) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.) [225 ILCS 85];

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O) Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 116.301 et seq.) [225 ILCS 225];

P) Probate Act of 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, par. 1-1 et seq.) [755 ILCS 5];

Q) The Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 1-1 et seq.) [305 ILCS 5];

4) State of Illinois rules:

A) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690);

B) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693);

C) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750);

D) Department of Public Health, Illinois Plumbing code (77 Ill. Adm. Code 890);

E) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905);

F) Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900);

G) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920);

H) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);

I) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100);

J) Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058);

K) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544).

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the 1991 Code of Federal Regulations, unless another date is specified.

Section 340.1110 General Requirements
EMERGENCY

a) This Part applies to the licensure of Illinois Veterans' Homes, subject to the terms and conditions of the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].

b) The license issued to each licensee shall STATE THE MAXIMUM BED CAPACITY FOR WHICH IT IS GRANTED, THE DATE THE LICENSE WAS ISSUED AND THE EXPIRATION DATE, licensee's name, facility name, address, the classification by level of service authorized for that facility. (Section 3-110 of the Act)

c) A FACILITY SHALL ADMIT ONLY THAT NUMBER OF RESIDENTS FOR WHICH IT IS LICENSED. (Section 2-209 of the Act)

d) A facility licensed under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium" or any other word or description in its title or advertisements that indicates that a type of service is provided by the facility that the facility is not licensed to provide or, in fact, does not provide.

e) Any person constructing or modifying a long-term care facility or portion thereof shall obtain the required permit from the Health Facilities Planning Board to be eligible for licensure for that facility or portion thereof (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1163.1 et seq.) [20 ILCS 3960].

Section 340.1120 Application for License
EMERGENCY

a) Application for a license to establish or operate a facility shall be made in writing and submitted, with other such information as the Department may require, on forms provided by the Department.

b) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when a new license is issued to operate the facility; or when operation is discontinued; or when operation is moved to a new location;

or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

c) The Department MAY ISSUE LICENSES OR RENEWALS FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS FOR FACILITIES WITH ANNUAL LICENSES AND NOT LESS THAN 18 MONTHS NOR MORE THAN 30 MONTHS FOR FACILITIES WITH 2-YEAR LICENSES IN ORDER TO DISTRIBUTE THE EXPIRATION DATES OF SUCH LICENSES THROUGHOUT THE CALENDAR YEAR. FEES FOR SUCH LICENSES SHALL BE PRORATED ON THE BASIS OF THE PORTION OF A YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The prorated fee will be as follows:

1) Six (6) months to less than twelve (12) months - $150.00;

2) Twelve (12) months to eighteen (18) months - $200.00;

3) Eighteen (18) months to less than twenty-four (24) months - $350.00;

4) Twenty-four (24) months to thirty (30) months - $400.00.

d) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four (24) consecutive months.

Section 340.1130 Criteria for Adverse Licensure Actions
EMERGENCY

a) Adverse licensure actions are determinations to deny the issuance of an initial license, to deny the issuance of a renewal of a license, or to revoke the current license of a facility.

b) The Director may take adverse licensure action against a facility based on a finding that one or more of the following criteria are met:

1) THERE HAS BEEN A SUBSTANTIAL FAILURE by the facility TO COMPLY WITH THE ACT or this Part. (Section 3-119(a)(1) of the Act) For purposes of this provision, substantial failure is a failure to meet the requirements of the Act and this Part that is other than a variance from strict and literal performance that results only in unimportant omissions or defects given the particular circumstances involved.

2) CONVICTION OF the LICENSEE, OR OF THE APPLICANT, OR OF THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY, OF A FELONY, OR OF TWO OR MORE MISDEMEANORS INVOLVING

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MORAL TURPITUDE, DURING THE PREVIOUS FIVE YEARS AS SHOWN BY A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION. (Section 3-119 (a)(2) of the Act)

3) PERSONNEL (or, for an initial applicant, the proposed personnel) are INSUFFICIENT IN NUMBER OR UNQUALIFIED BY TRAINING OR EXPERIENCE TO PROPERLY CARE FOR THE NUMBER AND TYPE OF RESIDENTS SERVED BY THE FACILITY. (Section 3-119(a)(3) of the Act)

4) FINANCIAL OR OTHER RESOURCES ARE INSUFFICIENT TO CONDUCT OR OPERATE THE FACILITY IN ACCORDANCE WITH this Part. (Section 3-119(a)(4) of the Act)

5) THE FACILITY IS NOT UNDER THE DIRECT SUPERVISION OF A FULL-TIME ADMINISTRATOR as required by Section 340.1370. (Section 3-119(a)(5) of the Act)

6) The rights of residents of the facility have been violated by any of the following actions:

A) A pervasive pattern of cruelty or indifference to residents has occurred in the facility.

B) The facility has appropriated or converted for its use the property of a resident without the resident's written consent or the consent of the resident's legal guardian.

C) The facility has secured property, or a bequest of property, from a resident by undue influence.

7) False information has been knowingly submitted by the facility either on the licensure or renewal application forms or during the course of an inspection or survey of the facility.

8) REFUSAL TO PERMIT ENTRY OR INSPECTION of the facility by agents of the Department. (Section 3-214 of the Act).

c) The Director shall consider all available evidence at the time of the determination, including the history of the facility and the applicant in complying with the Act and this Part, notices of violations that have been issued to the facility and the applicant, findings of surveys and inspections, and any other evidence provided by the facility, residents, law enforcement officials and other interested individuals.

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Section 340.1140 Denial of Initial License
EMERGENCY

a) In addition to the criteria outlined in Section 340.1140, the Director may deny the issuance of an initial license based on REVOCATION OF A FACILITY LICENSE. DURING THE PREVIOUS FIVE YEARS, IF SUCH PRIOR LICENSE WAS ISSUED TO THE INDIVIDUAL APPLICANT, A CONTROLLING OWNER OR CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT; OR ANY AFFILIATE OF THE INDIVIDUAL APPLICANT OR CONTROLLING OWNER OF THE APPLICANT AND SUCH INDIVIDUAL APPLICANT, CONTROLLING OWNER OF THE APPLICANT OR AFFILIATE OF THE APPLICANT WAS A CONTROLLING OWNER OF THE PRIOR LICENSE; PROVIDED, HOWEVER, THAT THE DENIAL OF AN APPLICATION FOR A LICENSE PURSUANT TO THIS Part MUST BE SUPPORTED BY EVIDENCE THAT SUCH PRIOR REVOCATION RENDERS THE APPLICANT UNQUALIFIED OR INCAPABLE OF MEETING OR MAINTAINING A FACILITY IN ACCORDANCE WITH the Act and this Part. (Section 3-117 (5) of the Act)

b) IMMEDIATELY UPON DENIAL OF ANY APPLICATION OR REAPPLICATION FOR A LICENSE, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING. THE NOTICE OF DENIAL SHALL INCLUDE A CLEAR AND CONCISE STATEMENT OF VIOLATIONS OF SECTION 3-117 of the Act ON WHICH DENIAL IS BASED AND NOTICE OF THE OPPORTUNITY FOR HEARING. (Section 3-118 of the Act)

Section 340.1150 Revocation or Denial of Renewal of License
EMERGENCY

a) The license of a facility shall be revoked or application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 340.1130(b).

b) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-65) [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.

c) The license of a facility will be revoked when the facility fails to abate or eliminate a Type A violation.

d) When the Director determines that the license of a facility is to be revoked or an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

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1) A CLEAR AND CONCISE STATEMENT OF THE VIOLATIONS ON WHICH THE NONRENEWAL OR REVOCATION IS BASED. (Section 3-119(b) of the Act) The statement shall include a citation to the provisions of the Act or this Part on which the application for renewal is being revoked or denied.

2) A statement of the date on which revocation will take effect or the current license of the facility will expire as provided in Section 3-119(d) of the Act.

3) A NOTICE OF THE OPPORTUNITY of the applicant FOR A HEARING TO CONTEST THE NONRENEWAL OR REVOCATION OF THE LICENSE. (Section 3-119(b) and (c) of the Act)

e) THE DEPARTMENT MAY EXTEND THE EFFECTIVE DATE OF THE LICENSE REVOCATION OR EXPIRATION IN ANY CASE IN ORDER TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

Section 340.1160 Inspections, Surveys, Evaluations, and Consultations
EMERGENCY

The terms survey, inspection, and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and this Part.

a) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys or evaluations by properly identified personnel of the Department, State Fire Marshal's Office, state or federal department of Veteran's Affairs or by such other properly identified persons, including local health department staff, as the Department may designate. AN INSPECTION, SURVEY, OR EVALUATION, OTHER THAN AN INSPECTION OF FINANCIAL RECORDS, SHALL BE CONDUCTED WITHOUT PRIOR NOTICE TO THE FACILITY. A VISIT FOR THE SOLE PURPOSE OF CONSULTATION MAY BE ANNOUNCED. The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out the Act and this Part. In addition, representatives of THE DEPARTMENT SHALL HAVE ACCESS TO AND MAY REPRODUCE OR PHOTOCOPY AT the Department's COST ANY BOOKS, RECORDS, AND OTHER DOCUMENTS MAINTAINED BY THE FACILITY, the licensee or their representatives TO THE EXTENT NECESSARY TO CARRY OUT THE ACT and this Part. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information rules (2 Ill. Adm. Code 1126). (Sections 3-212(a) and 3-213 of the Act)

b) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part, or general matters of patient care.

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Section 340.1170 Presentation of Findings by the Department
EMERGENCY

a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.

b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.

c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.

d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.

e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.

f) If the Department determines, after review of the comments submitted pursuant to subsection (d) of this Section, that the facility may have committed violations of the Act or this Part different than or in additional to those presented at the exit conference and the violations may be cited as either a Type A or repeat Type B violation, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyor will be advised of any code changes made after their recommendations are submitted.

g) The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.

h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. No video-taped recording shall be allowed.

i) Surveyors shall not conduct an exit conference for the following reasons:

1) The facility administrator or designee requests that an exit conference not be held;

2) During the scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

Section 340.1190 Ownership Disclosure
EMERGENCY

AS A CONDITION OF THE ISSUANCE OR RENEWAL OF THE LICENSE OF ANY FACILITY, THE APPLICANT SHALL FILE A STATEMENT OF OWNERSHIP, as follows (Section 3-207(a) of the Act):

a) The NAME, ADDRESS, Social Security Number, TELEPHONE NUMBER, OCCUPATION OR BUSINESS ACTIVITY, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity designated as the operator/licensee OF THE FACILITY WHICH IS THE SUBJECT OF THE APPLICATION OR LICENSE;

b) The NAME, ADDRESS, Social Security Number, TELEPHONE NUMBER, OCCUPATION OR BUSINESS ACTIVITY, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity that OWNS THE BUILDING IN WHICH the operator/licensee is operating THE FACILITY WHICH IS THE SUBJECT OF THE APPLICATION OR LICENSE; and

c) THE NAME AND ADDRESS OF ANY FACILITY, WHEREVER LOCATED, ANY FINANCIAL INTEREST IN WHICH IS OWNED BY THE APPLICANT, IF THE FACILITY WERE REQUIRED TO BE LICENSED IF IT WERE LOCATED IN THIS STATE. (Section 3-207(b) of the Act)

Section 340.1200 Monitor and Receivership
EMERGENCY

a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR in accordance with Section 3-501 of the Act. (Section 3-501 of the Act) The monitor shall meet the following minimum requirements:

1) have an understanding of the needs of long-term care facility residents as

evidenced by one year of experience in working with the elderly in programs such as patient care, social work, advocacy, or facility inspection;

2) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal interview of the candidate;

3) be unrelated to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;

4) have successfully completed a baccalaureate degree, or possess a nursing license or a nursing home administrator's license; and

5) have two years full-time work experience in the long-term care industry of the State of Illinois.

b) The monitor shall be under the supervision of the Department and shall perform the duties of a monitor delineated in Section 3-502 of the Act in accordance with the Department's instructions.

c) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department, plus, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

d) The assignment as monitor may be terminated at any time by the Department.

e) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

1) have an understanding of the needs of long-term care facility residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, advocacy, or facility inspection.

2) have an understanding and working knowledge of the Act and this Part as evidenced in a personal interview of the candidate.

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f) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date that concern the facility.

g) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

Section 340.1210 Determination of a Violation
EMERGENCY

a) Upon receipt of a report of an inspection, survey or evaluation of a facility, the Director shall review the findings contained in the report to DETERMINE WHETHER THE REPORT'S FINDINGS CONSTITUTE A VIOLATION OR VIOLATIONS OF WHICH THE FACILITY MUST BE GIVEN NOTICE. All information, evidence, and observations made during an inspection, survey or evaluation shall be considered in determining findings or deficiencies. (Section 3-212(c) of the Act)

b) In making this determination, the Director shall consider any comments and documentation provided by the facility within ten days of the facility's receipt of the report.

c) In determining whether the findings warrant the issuance of a notice of violation, the Director shall base his determination on the following factors:

1) THE SEVERITY OF THE FINDING. The Director or his designee will consider whether the finding constitutes merely a technical, non-substantial error or whether the finding is serious enough to constitute an actual violation of the intent and purpose of the standard. (Section 3-212 (c) of the Act)

2) THE DANGER POSED TO RESIDENT HEALTH AND SAFETY. The Director or his designee will consider whether the finding could pose any direct harm to the residents. (Section 3-212(c) of the Act)

3) THE DILIGENCE AND EFFORTS TO CORRECT DEFICIENCIES and CORRECTION OF REPORTED DEFICIENCIES BY THE FACILITY. Consideration will be given to any evidence provided by the facility in its comments and documentation that steps have been taken to reduce noted findings and to ensure a reduction of deficiencies. (Section 3-212(c) of the Act)

4) THE FREQUENCY AND DURATION OF SIMILAR FINDINGS IN PREVIOUS REPORTS AND THE FACILITY'S GENERAL INSPECTION HISTORY. The Director or his designee will consider whether the same finding or similar finding relating to the same condition or occurrence has been included in previous reports and the facility has allowed the condition or occurrence to continue or to recur.

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(Section 3-212(c) of the Act)

Section 340.1220 Determination of the Level of a Violation
EMERGENCY

a) After determining that issuance of a notice of violation is warranted and prior to issuance of the notice, the Director will review the findings that are the basis of the violation and any comments and documentation provided by the facility. The level of violation shall be determined based on the definition of level of violation contained in the Act, Section 340.1000 of this Part and on the criteria outlined in this Section.

b) In determining the level of a violation, the Director shall consider the following criteria:

1) The degree of danger to the resident or residents which is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:

A) Whether the resident or residents of the facility are able to recognize conditions or occurrences that may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.

B) Whether the resident or residents have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting resident access to hazardous areas will be considered.

C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.

D) Whether the resident or residents of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify residents of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.

2) The directness and imminence of the danger to the resident or residents by the condition or occurrence in the facility. In assessing the directness and imminence of the danger, the following factors will be considered:

A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress, or pain, to a resident or residents resulted from

the condition or occurrence and the extent of such harm.

B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the resident or residents has resulted from similar conditions or occurrences and the frequency of such danger.

C) Whether professional opinions and findings indicate that direct and imminent danger to the resident or residents will result from the condition or occurrence.

D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.

E) Whether the physical, mental, or emotional state of the resident or residents, who are subject to the danger, would facilitate or hinder harm actually resulting from the condition or occurrence.

c) If the Director determines that the report's findings constitute a violation WHICH DOES NOT DIRECTLY THREATEN THE HEALTH, SAFETY, OR WELFARE OF A RESIDENT, THE DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE WARNING. (Section 3-303.2(a) of the Act)

Section 340.1230 Plans of Correction and Reports of Correction
EMERGENCY

a) A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF NOTICE OF VIOLATION for a Type B violation, or after receipt of a notice of failure to correct a situation, condition, or practice that resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)

b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

c) In lieu of submission of a plan of correction, a facility may submit a report of correction if corrective action has been completed. The report of correction must be submitted within the time period required in subsection (a) of this Section.

d) Each plan of correction or report of correction shall be based on an assessment by the facility of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction or report of correction shall include:

1) A description of the specific corrective action the facility is taking, or plans to take, or has taken to abate, eliminate, or correct the violation cited in the notice.

2) A description of the steps that will be or have been taken to avoid future occurrences of the same and similar violations.

3) A specific date by which the correction action will be or was completed.

e) Submission of a plan of correction or report of correction shall not be considered an admission by the facility that the violation has occurred.

f) The Department shall review each plan of correction or report of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan or report only if it finds any of the following deficiencies:

1) The plan or report does not address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.

2) The plan or report is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.

3) The plan or report does not provide for measures that will abate or eliminate, or correct the violation.

4) The plan or report does not provide steps that will avoid future occurrences of the same and similar violations.

5) The plan or report does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.

g) When the Department rejects a submitted plan of correction or report of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the reason for the rejection. THE FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)

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h) If a facility fails to submit a plan or report of correction or modified plan meeting the criteria in subsection (d) of this Section within the prescribed time periods in subsection (a) or subsection (g) of this Section, or anytime the Department issues a Type A or Repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act)

Section 340.1240 Calculation of Penalties
EMERGENCY

a) For the purpose of calculating penalties, EACH DAY THE VIOLATION EXISTS AFTER THE DATE UPON WHICH A NOTICE OF THE VIOLATION IS received by the facility SHALL CONSTITUTE A SEPARATE VIOLATION. The Department shall not be required to send additional notices of violation to the facility for such continuing violations. (Section 3-302 of the Act)

b) For purposes of calculating penalties, THE NUMBER OF RESIDENTS PER DAY SHALL BE BASED ON THE AVERAGE NUMBER OF RESIDENTS IN THE FACILITY DURING THE 30 DAYS PRECEDING THE DISCOVERY OF THE VIOLATION. (Section 3-305(5) of the Act)

Section 340.1250 Reduction or Waiver of Penalties
EMERGENCY

a) When the Director finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a Type A violation to an amount less than $1000.

b) Penalties resulting from Type B violations may be reduced or waived only under one of the following conditions:

1) THE FACILITY SUBMITS A TRUE REPORT OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, and the report is subsequently verified by the Department. (Section 3-308(a) of the Act)

2) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received; the plan is approved by the Department; THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN 15 DAYS after submission of the plan of correction; and the report is subsequently verified by the Department. (Section 3-308(b) of the Act)

3) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS

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after the notice of a violation is received; THE PLAN PROVIDES FOR CORRECTION TIME THAT IS LESS THAN OR EQUAL TO 30 DAYS after submission of the plan of correction; and THE DEPARTMENT APPROVES SUCH PLAN. (Section 3-308(c) of the Act)

4) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility; THE FACILITY SUBMITS A PLAN OF CORRECTION FOR VIOLATIONS INVOLVING SUBSTANTIAL CAPITAL IMPROVEMENTS WHICH PROVIDES FOR CORRECTION WITHIN 90 DAYS after submission of the plan, and the plan is approved by the Department. (Section 3-308(d) of the Act)

Section 340.1260 Waivers
EMERGENCY

a) UPON APPLICATION BY A FACILITY, THE DIRECTOR MAY GRANT OR RENEW THE WAIVER OF THE FACILITY'S COMPLIANCE WITH this Part FOR A PERIOD NOT TO EXCEED THE DURATION OF THE CURRENT LICENSE OR, IN THE CASE OF AN APPLICATION FOR LICENSE RENEWAL, THE DURATION OF THE RENEWAL PERIOD. (Section 3-303.1 of the Act)

b) THE WAIVER MAY BE CONDITIONED UPON THE FACILITY TAKING ACTION PRESCRIBED BY THE DIRECTOR AS A MEASURE EQUIVALENT TO COMPLIANCE. (Section 3-303.1 of the Act)

c) IN DETERMINING WHETHER TO GRANT OR RENEW A WAIVER, THE DIRECTOR SHALL CONSIDER:

1) THE DURATION AND BASIS FOR ANY CURRENT WAIVER WITH RESPECT TO THE SAME RULE OR STANDARD;

2) THE CONTINUED VALIDITY OF EXTENDING THE WAIVER ON THE SAME BASIS;

3) THE EFFECT UPON THE HEALTH AND SAFETY OF RESIDENTS;

4) THE QUALITY OF RESIDENT CARE (whether the waiver would reduce the overall quality of the resident care below that required by the Act or this Part);

5) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ACT AND THIS PART (the existence of a consistent pattern of violation of the Act or this Part); and

6) THE FACILITY'S ATTEMPTS TO COMPLY WITH THE PARTICULAR

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RULE OR STANDARD IN QUESTION. (Section 3-303.1 of the Act)

d) THE DEPARTMENT SHALL RENEW WAIVERS RELATING TO PHYSICAL PLANT STANDARDS ISSUED PURSUANT TO THIS SECTION AT THE TIME OF THE INDICATED REVIEWS, UNLESS IT CAN SHOW WHY SUCH WAIVERS SHOULD NOT BE EXTENDED FOR THE FOLLOWING REASONS:

1) THE CONDITION OF THE PHYSICAL PLANT HAS DETERIORATED OR ITS USE SUBSTANTIALLY CHANGED SO THAT THE BASIS UPON WHICH THE WAIVER WAS ISSUED IS MATERIALLY DIFFERENT; OR

2) THE FACILITY IS RENOVATED OR SUBSTANTIALLY REMODELED IN SUCH A WAY AS TO PERMIT COMPLIANCE WITH THE APPLICABLE RULES AND STANDARDS WITHOUT SUBSTANTIAL INCREASE IN COST. (Section 3-303.1 of the Act)

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1300 Facility Policies
EMERGENCY

a) The facility shall have written policies and procedures governing all services provided by the facility, which shall be formulated with the involvement of the administrator. These policies shall be in compliance with the Act and this Part. These written policies shall be followed in operating the facility and shall be reviewed at least annually, as evidenced by a dated signature.

b) All the information contained in the policies shall be available to the public, staff, residents, and for review by Department personnel.

c) These written policies shall include, at a minimum, the following provisions:

1) Admission, transfer, and discharge of residents including the types of services offered by the facility that would cause residents to be admitted, transferred or discharged, and transfers within the facility from one room to another.

2) Resident care services including physician services, emergency services, personal care and nursing services, restorative services, activity services, pharmaceutical services, dietary services, social services, clinical records, dental services, and diagnostic service (including laboratory and x-ray).

3) Prohibition against blood transfusions, unless the facility is hospital based and appropriate services are available in case of an adverse reaction to the transfusions.

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Section 340.1310 Admission and Discharge Policies
EMERGENCY

a) No resident determined by professional evaluation to be in need of services not readily available in a particular facility, or distinct part of a facility, or through arrangement with a qualified outside resource, shall be admitted to or kept in that facility, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.

b) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning keeping of persons who become pregnant while they are residents of the facility. If these policies permit these persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to these persons from in-house or outside resources. (See Section 340.1550)

c) Residents with a history of aggressive or self-abusive behavior may be admitted only if the facility has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs.

d) Persons under 18 years of age may not be cared for in a facility for adults without prior written approval from the Department.

e) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.

f) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.

g) A facility shall document all leaves and temporary transfers. Such documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed.

Section 340.1320 Disaster Preparedness
EMERGENCY

a) Each facility shall have policies covering disaster preparedness, including a written plan for staff and residents to follow in case of fire, explosion, severe weather or other hazardous circumstances or emergencies. The plan shall be rehearsed at least twice a year for each shift. The plan shall include, but is not limited to, the following:

1) All personnel employed on the premises shall be properly instructed in the use of

fire extinguishers.

2) A written plan of evacuation posted, and made familiar to all personnel employed on the premises.

b) Fire and disaster drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to:

1) Ensure that all personnel on all shifts are trained to perform assigned tasks;

2) Ensure that all personnel on all shifts are familiar with the use of the fire fighting equipment in the facility; and

3) Evaluate the effectiveness of disaster plans and procedures.

c) Fire and disaster drills shall include simulation of evacuation of residents to safe areas during at least one drill each year on each shift.

d) There shall be special provisions for the evacuation of physically handicapped individuals, including those who are hearing or sight impaired.

e) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.

f) There shall be a written evaluation of each drill submitted to the facility administrator, which shall be maintained for a year.

g) A written plan shall be developed for temporarily relocating the residents for any emergency requiring relocation and any time the temperature in residents' bedrooms falls below 55 degrees Fahrenheit for 12 hours or more.

h) Reporting of Emergencies

1) Upon the occurrence of any emergency or disaster requiring hospital service, police, fire department or coroner, the facility administrator or their designee must provide a preliminary report to the Department by either utilizing the nursing home hotline or by contacting directly the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:

A) Name and location of facility;

B) type of emergency;

C) number of injuries or deaths to residents;

D) number of beds not usable due to the event;

E) estimate of the extent of damages to the facility;

F) type of assistance needed, if any; and

G) other state or local agencies notified about the problem.

2) If the emergency will not require direct Departmental assistance, the facility shall provide the preliminary report within 24 hours of the incident. Additionally, the facility shall submit to the Department a full written account of the emergency within seven days of the incident, which includes the information specified in subsections (h)(1)(A) through (h)(1)(G) of this Section and a statement of actions taken by the facility after the preliminary report.

i) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents whenever the temperature and relative humidity inside the residents' living, dining, activities or sleeping areas of the facility are equal to or exceed the upper or lower limit lines (the solid lines) of the chart, "Zones of Physiological Perception," displayed in Section 340.Table A: "Disaster Preparedness Parameters -- Relative Humidity and Temperature."

Section 340.1330 Serious Incidents and Accidents
EMERGENCY

a) The facility shall notify the Department of any incident or accident that has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.

1) Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number.

2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.

b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved.

c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents.

Section 340.1340 Facility Record Requirements
EMERGENCY

a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate each specific date and time the consultant was in the facility.

b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey.

c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death.

Section 340.1350 Personnel Policies
EMERGENCY

a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one staff member awake, dressed, and on duty at all times.

b) The facility shall document all arrangements for each consultant's services in a written agreement setting forth services to be provided. These agreements shall be updated annually.

c) Each facility shall develop and maintain written personnel policies that are followed in the operation of the facility.

d) Employment application forms shall be completed on each employee and kept on file in the facility. They shall contain, at a minimum, home address, social security number, educational background, past employment history including dates, positions held, reasons for leaving. The date of employment and position held shall be documented in each file.

e) Employees shall only be assigned duties that are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies.

f) All personnel shall have either training or experience, or both, in the job assigned them.

g) All new employees, including student interns, shall complete an orientation program covering, at a minimum, the following: general facility and resident orientation; job orientation, emphasizing allowable duties of the new employee; resident safety, including fire and disaster, emergency care and basic resident safety; and understanding and

communicating with the type of residents being cared for in the facility, such as geriatric, pediatric, or developmentally disabled. In addition, all new direct care staff, including student interns, shall complete an orientation program covering the facility's policies and procedure for resident care services before being assigned to provide direct care to residents. This orientation program shall include material regarding the prevention and treatment of decubitus ulcers and the importance of nutrition in general health care.

h) All employees, except student interns, shall attend inservice training programs pertaining to their assigned duties at least annually. These inservice training programs shall include material regarding the facility's policies, skill training, and ongoing education carried out to enable all personnel to perform their duties effectively. The inservice training sessions regarding personal care, nursing and restorative services shall include material concerning prevention and treatment of decubitus ulcers (commonly known as bedsores). Inservice training concerning dietary services shall include material concerning effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content and personnel attending each session shall be kept.

i) Every facility shall have a current employee time schedule. This schedule shall contain the employee's name, job title, shift assignment, hours of work, and days off. The schedule shall be kept on file in the facility for one year after the week for which the schedule was used.

j) Personnel policies shall include a plan to provide personnel coverage for regular staff when they are absent.

k) Individual employee work performance evaluations shall be completed and maintained in the employee's file.

l) The date and reason a person discontinues employment at the facility shall be noted in their file.

Section 340.1360 Initial Health Evaluation for Employees
EMERGENCY

a) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, residents, or visitors.

b) The initial health evaluation shall be conducted not more than 30 days prior to the employee's beginning employment in the facility. The evaluation shall be completed not more than 30 days after the employee begins employment in the facility.

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c) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions that would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, or chronic draining infections or open wounds.

d) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed in order to:

1) Detect any unusual susceptibility to infection and any conditions that would increase the likelihood of the transmission of disease to residents, other employees, or visitors.

2) Determine that the employee appears to be physically able to perform the job functions that the facility intends to assign to the employee.

e) The initial health evaluation shall include a tuberculin skin test, which is conducted in accordance with the requirements of Section 340.1520. The test must meet one of the following timeframes:

1) The test must be completed no more than 90 days prior to the date of initial employment in the facility, or

2) The test must be commenced no more than ten days after the date of initial employment in the facility.

Section 340.1370 Administrator
EMERGENCY

a) There shall be a full-time administrator licensed under the Nursing Home Administrators Licensing and Disciplinary Act for each licensed facility. The licensee will report any change of administrator to the Department, within five days.

b) The administrator shall delegate in writing adequate authority to a person at least 18 years of age who is capable of acting in an emergency during his or her absence. Such administrative assignment shall not interfere with resident care and supervision. The administrator or the person designated by the administrator to be in charge of the facility in the administrator's absence shall be deemed by the Department to be the agent of the licensee for the purpose of Section 3-212 of the Act, which requires Department staff to provide the licensee with a copy of their report before leaving the facility.

c) If the facility has an assistant administrator, the Department shall be informed of the name and dates of employment and termination of this person. This will provide documentation of service to qualify for a license under the Nursing Home Administrators Licensing and

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Disciplinary Act.

SUBPART C: RESIDENT RIGHTS

Section 340.1400 Implementation of Resident Rights and Facility Responsibilities
EMERGENCY

a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN Article II of the Act, Resident Rights and Facility Responsibilities. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER the Act. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. (Section 2-210 of the Act)

b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public.

c) EACH RESIDENT AND RESIDENT'S GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE GIVEN A WRITTEN EXPLANATION, PREPARED BY THE OFFICE OF THE STATE LONG TERM CARE OMBUDSMAN OF ALL THE RIGHTS ENUMERATED IN PART I OF Article II AND IN PART 4 OF ARTICLE III of the Act AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THE RESIDENT PERMITS, BUT IN NO EVENT LATER THAN 48 HOURS AFTER ADMISSION, AND AGAIN AT LEAST ANNUALLY THEREAFTER. FOR RESIDENTS OF FACILITIES PARTICIPATING IN TITLE 18 OR 19 OF THE SOCIAL SECURITY ACT, THE EXPLANATION SHALL INCLUDE AN EXPLANATION OF RESIDENTS' RIGHTS ENUMERATED IN THAT ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN EXPLANATION, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN OR OTHER PERSON ACTING FOR HIM, BOTH THE RESIDENT AND THE PARENT, GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE FULLY INFORMED OF THESE RIGHTS and responsibilities. (Section 2-211 of the Act)

d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights.

e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN the Act and

this Part. (Section 2-212 of the Act)

Section 340.1410 General
EMERGENCY

a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW, THE CONSTITUTION OF THE STATE OF ILLINOIS, OR THE CONSTITUTION OF THE UNITED STATES SOLELY ON ACCOUNT OF their STATUS AS A RESIDENT OF A FACILITY. (Section 2-101 of the Act)

b) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE facility ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. (Section 2-109 of the Act)

c) All facilities shall comply with the Election Code as it pertains to absentee voting for residents of licensed long-term care facilities.

d) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. (Section 2-208 of the Act)

e) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise.

f) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. (Section 3-503 of the Act) AS USED IN SECTION 3-503 OF THE ACT, "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

g) THE FACILITY SHALL MAKE REASONABLE EFFORTS TO PREVENT LOSS AND THEFT OF RESIDENTS' PROPERTY. THOSE EFFORTS SHALL BE APPROPRIATE TO THE PARTICULAR FACILITY AND MAY, for example, INCLUDE, BUT ARE NOT LIMITED TO, STAFF TRAINING AND MONITORING, LABELING PROPERTY, AND FREQUENT PROPERTY INVENTORIES. (Section 2-103 of the Act)

Section 340.1420 Contract Between Resident and Facility
EMERGENCY

a) Contract Execution

1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR

B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED; OR

C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11A-2 OF THE "PROBATE ACT OF 1975", AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 of the Act AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL

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PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED by Section 2-202 of the Act; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE "MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE", AS AMENDED, OR SECTION 11a-14.1 OF THE "PROBATE ACT OF 1975", AS AMENDED. (Section 2-202(a) of the Act)

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

c) BEFORE A LICENSEE (any facility licensed under the Act) ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED (Section 2-202(a) of the Act).

d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 of the Act. (Section 2-202(b) of the Act)

e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

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h) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.

i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

j) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

k) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

l) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.

m) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. (Section 2-202(g)(2) of the Act)

n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the

resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

o) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENT DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

p) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions the deposit shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act)

q) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 of the Act. (Section 2-202(g)(6) of the Act)

r) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 of the Act. (Section 2-202(h) of the Act)

s) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR

RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4161-1 et seq.) [210 ILCS 40] as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SHALL ALSO SPECIFY:

1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;

2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;

3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;

4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

v) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

Section 340.1430 Residents' Advisory Council
EMERGENCY

a) EACH FACILITY SHALL ESTABLISH A RESIDENTS' ADVISORY COUNCIL consisting of at least five resident members. If there are not five residents capable of

functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. THE ADMINISTRATOR SHALL DESIGNATE A MEMBER OF THE FACILITY STAFF TO COORDINATE THE ESTABLISHMENT OF, AND RENDER ASSISTANCE TO, THE COUNCIL. (Section 2-203 of the Act)

b) The resident members shall be elected to the council by vote of their fellow residents, and the nonresident members shall be elected to the council by vote of the resident members of the council.

c) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.

d) NO EMPLOYEE OR AFFILIATE OF A FACILITY SHALL BE A MEMBER OF ANY COUNCIL. Such persons may attend to discuss interests or functions of the non-members when invited by members of the residents' advisory council. (Section 2-203(a) of the Act)

e) THE COUNCIL SHALL MEET AT LEAST ONCE EACH MONTH WITH THE STAFF COORDINATOR WHO SHALL PROVIDE ASSISTANCE TO THE COUNCIL IN PREPARING AND DISSEMINATING A REPORT OF EACH MEETING TO ALL RESIDENTS, THE ADMINISTRATOR, AND THE STAFF. (Section 2-203(b) of the Act)

f) RECORDS OF THE COUNCIL MEETINGS SHALL BE MAINTAINED IN THE OFFICE OF THE ADMINISTRATOR. (Section 2-203(c) of the Act)

g) THE RESIDENTS' ADVISORY COUNCIL MAY COMMUNICATE TO THE ADMINISTRATOR THE OPINIONS AND CONCERNS OF THE RESIDENTS. THE COUNCIL SHALL REVIEW PROCEDURES FOR IMPLEMENTING RESIDENT RIGHTS AND FACILITY RESPONSIBILITIES AND MADE RECOMMENDATIONS FOR CHANGES OR ADDITIONS WHICH WILL STRENGTHEN THE FACILITY'S POLICIES AND PROCEDURES AS THEY AFFECT RESIDENTS' RIGHTS AND FACILITY RESPONSIBILITIES. (Section 2-203(d) of the Act)

h) THE COUNCIL SHALL BE A FORUM FOR:

1) OBTAINING AND DISSEMINATING INFORMATION;

2) SOLICITING AND ADOPTING RECOMMENDATIONS FOR FACILITY PROGRAMMING AND IMPROVEMENTS;

3) EARLY IDENTIFICATION OF PROBLEMS;

4) RECOMMENDING ORDERLY RESOLUTION OF PROBLEMS. (Section 2-203(e) of the Act)

i) THE COUNCIL MAY PRESENT COMPLAINTS ON BEHALF OF A RESIDENT TO THE DEPARTMENT, THE LONG-TERM CARE FACILITY ADVISORY BOARD CREATED BY SECTION 2-204 of the Act, OR TO ANY OTHER PERSON IT CONSIDERS APPROPRIATE. (Section 2-203(f) of the Act)

Section 340.1440 Abuse and Neglect
EMERGENCY

a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (Section 2-107 of the Act)

b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)

c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)

d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL also REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A resident INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)

f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF

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OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

Section 340.1450 Communication and Visitation
EMERGENCY

a) EVERY RESIDENT SHALL BE PERMITTED UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION OF HIS CHOICE BY MAIL, PUBLIC TELEPHONE OR VISITATION. (Section 2-108 of the Act)

b) THE facility ADMINISTRATOR SHALL ENSURE THAT CORRESPONDENCE IS CONVENIENTLY RECEIVED AND MAILED, AND THAT TELEPHONES ARE REASONABLY ACCESSIBLE. (Section 2-108(a) of the Act)

c) THE facility ADMINISTRATOR SHALL ENSURE THAT RESIDENTS MAY HAVE PRIVATE VISITS AT ANY REASONABLE HOUR UNLESS SUCH VISITS ARE NOT MEDICALLY ADVISABLE FOR THE RESIDENT AS DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD BY THE RESIDENT'S PHYSICIAN. (Section 2-108(b) of the Act)

d) The facility shall allow daily visiting between 10 A.M. and 8 P.M. These visiting hours shall be posted in plain view of visitors.

e) THE facility ADMINISTRATOR SHALL ENSURE THAT SPACE FOR VISITS IS AVAILABLE AND THAT FACILITY PERSONNEL KNOCK, EXCEPT IN AN EMERGENCY, BEFORE ENTERING ANY RESIDENT'S ROOM. (Section 2-108(c) of the Act)

f) UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION BY MAIL, PUBLIC TELEPHONE, AND VISITATION MAY BE REASONABLY RESTRICTED BY A PHYSICIAN ONLY IN ORDER TO PROTECT THE RESIDENT OR OTHERS FROM HARM, HARASSMENT OR INTIMIDATION PROVIDED THAT THE REASON FOR ANY SUCH RESTRICTION IS PLACED IN THE RESIDENT'S CLINICAL RECORD BY THE PHYSICIAN AND THAT NOTICE OF SUCH RESTRICTION SHALL BE GIVEN TO ALL RESIDENTS UPON ADMISSION. (Section 2-108(d) of the Act)

g) Notwithstanding subsection (f) of this Section, ALL LETTERS ADDRESSED BY A RESIDENT TO THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, ATTORNEY GENERAL, JUDGES, STATE'S ATTORNEYS, OFFICERS OF THE DEPARTMENT, OR LICENSED ATTORNEYS AT LAW SHALL BE FORWARDED AT ONCE TO THE PERSONS TO WHOM THEY ARE ADDRESSED WITHOUT EXAMINATION BY FACILITY PERSONNEL. LETTERS IN REPLY FROM THE OFFICIALS AND ATTORNEYS MENTIONED ABOVE SHALL BE DELIVERED TO

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THE RECIPIENT WITHOUT EXAMINATION BY FACILITY PERSONNEL. (Section 2-108(d) of the Act)

h) ANY EMPLOYEE OR AGENT OF A PUBLIC AGENCY, ANY REPRESENTATIVE OF A COMMUNITY LEGAL SERVICES PROGRAM OR ANY MEMBER OF THE GENERAL PUBLIC SHALL BE PERMITTED ACCESS AT REASONABLE HOURS TO ANY INDIVIDUAL RESIDENT OR ANY FACILITY, BUT ONLY IF THERE IS NEITHER A COMMERCIAL PURPOSE NOR EFFECT TO SUCH ACCESS AND IF THE PURPOSE IS TO DO ANY OTHER THE FOLLOWING:

1) VISIT, TALK WITH AND MAKE PERSONAL, SOCIAL, AND LEGAL SERVICES AVAILABLE TO ALL RESIDENTS;

2) INFORM RESIDENTS OF THEIR RIGHTS AND ENTITLEMENTS AND THEIR CORRESPONDING OBLIGATIONS, UNDER FEDERAL AND STATE LAWS, BY MEANS OF EDUCATIONAL MATERIALS AND DISCUSSIONS IN GROUPS AND WITH INDIVIDUAL RESIDENTS;

3) ASSIST RESIDENTS IN ASSERTING THEIR LEGAL RIGHTS REGARDING CLAIMS FOR PUBLIC ASSISTANCE, MEDICAL ASSISTANCE AND SOCIAL SECURITY BENEFITS, AS WELL AS IN ALL OTHER MATTERS IN WHICH RESIDENTS ARE AGGRIEVED. ASSISTANCE MAY INCLUDE COUNSELING AND LITIGATION; OR

4) ENGAGE IN OTHER METHODS OF ASSERTING, ADVISING AND REPRESENTING RESIDENTS SO AS TO EXTEND TO THEM FULL ENJOYMENT OF THEIR RIGHTS. (Section 2-110(a) of the Act)

i) ALL PERSONS ENTERING A FACILITY UNDER subsection (h) of this Section SHALL PROMPTLY NOTIFY APPROPRIATE FACILITY PERSONNEL OF THEIR PRESENCE. THEY SHALL, UPON REQUEST, PRODUCE IDENTIFICATION TO ESTABLISH THEIR IDENTITY. NO PERSON SHALL ENTER THE IMMEDIATE LIVING AREA OF ANY RESIDENT WITHOUT FIRST IDENTIFYING HIMSELF AND THEN RECEIVING PERMISSION FROM THE RESIDENT TO ENTER. THE RIGHTS OF OTHER RESIDENTS PRESENT IN THE ROOM SHALL BE RESPECTED. (Section 2-110(b) of the Act)

j) A RESIDENT MAY TERMINATE AT ANY TIME A VISIT BY A PERSON HAVING ACCESS TO THE RESIDENT'S LIVING AREA. (Section 2-110(b) of the Act)

Section 340.1460 Resident's Funds
EMERGENCY

a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR,

HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER subsections (b) through (o) of this Section. (Section 2-102 of the Act)

b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING TO THE RESIDENT AND TO THE RESIDENT'S SPOUSE THEIR SPOUSAL IMPOVERISHMENT RIGHTS, AS DEFINED AT SECTION 5-4 OF THE ILLINOIS PUBLIC AID CODE, AS NOW AND HEREAFTER AMENDED, AND AT SECTION 303 OF TITLE II OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (P.L. 100-360), AND THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)

c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)

d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)

e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)

f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS OR SHALL PURCHASE INSURANCE IN AN AMOUNT AND FORM SUFFICIENT TO GUARANTEE THAT ALL RESIDENT'S FUNDS ARE SECURE FROM LOSS, THEFT, AND INSOLVENCY, AS DETERMINED BY THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF INSURANCE. (Section 2-201(5) of the Act)

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF $100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)

i) THE FACILITY MAY KEEP UP TO $100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. The facility shall TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE

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RESIDENT, AND WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED, TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(a) of the Act) "Personal needs allowance", for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, the facility shall UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER, the facility SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

Section 340.1470 Transfer or Discharge
EMERGENCY

a) A RESIDENT MAY BE voluntarily DISCHARGED FROM A FACILITY AFTER HE GIVES THE ADMINISTRATOR, A PHYSICIAN, OR A NURSE OF THE FACILITY WRITTEN NOTICE OF HIS DESIRE TO BE DISCHARGED. IF A GUARDIAN HAS BEEN APPOINTED FOR A RESIDENT OR IF THE RESIDENT IS A MINOR, THE RESIDENT SHALL BE DISCHARGED UPON WRITTEN CONSENT OF HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT UNLESS THERE IS A COURT ORDER TO THE CONTRARY. IN SUCH CASES, UPON THE RESIDENT'S DISCHARGE, THE FACILITY IS RELIEVED FROM ANY RESPONSIBILITY FOR THE RESIDENT'S CARE, SAFETY OR WELL-BEING. (Section 2-111 of the Act)

b) A FACILITY MAY INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT ONLY FOR ONE OR MORE THE FOLLOWING REASONS:

1) FOR MEDICAL REASONS;

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2) FOR THE RESIDENT'S PHYSICAL SAFETY;

3) FOR THE PHYSICAL SAFETY OF OTHER RESIDENTS, THE FACILITY STAFF OR FACILITY VISITORS; OR

4) FOR EITHER LATE PAYMENT OR NONPAYMENT FOR THE RESIDENT'S STAY, EXCEPT AS PROHIBITED BY TITLE XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT. FOR PURPOSES OF THIS SECTION, "LATE PAYMENT" MEANS NON-RECEIPT OF PAYMENT AFTER SUBMISSION OF A BILL. IF PAYMENT IS NOT RECEIVED WITHIN 45 DAYS AFTER SUBMISSION OF A BILL, THE FACILITY MAY SEND A NOTICE TO THE RESIDENT AND RESPONSIBLE PARTY REQUESTING PAYMENT WITHIN 30 DAYS. IF PAYMENT IS NOT RECEIVED WITHIN SUCH 30 DAYS, THE FACILITY MAY THEREUPON INSTITUTE TRANSFER OR DISCHARGE PROCEEDINGS BY SENDING A NOTICE OF TRANSFER OR DISCHARGE TO THE RESIDENT AND RESPONSIBLE PARTY BY REGISTERED OR CERTIFIED MAIL. THE NOTICE SHALL STATE, IN ADDITION TO THE REQUIREMENTS OF SECTION 3-403 OF THE ACT and subsection (e) of this Section, THAT THE RESPONSIBLE PARTY HAS THE RIGHT TO PAY THE AMOUNT OF THE BILL IN FULL UP TO THE DATE THE TRANSFER OR DISCHARGE IS TO BE MADE AND THEN THE RESIDENT SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. SUCH PAYMENT SHALL TERMINATE THE TRANSFER OR DISCHARGE PROCEEDINGS. THIS SUBSECTION DOES NOT APPLY TO THOSE RESIDENTS WHOSE CARE IS PROVIDED UNDER THE ILLINOIS PUBLIC AID CODE. (Section 3-401 of the Act)

c) A FACILITY PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM IS PROHIBITED FROM FAILING OR REFUSING TO RETAIN AS A RESIDENT ANY PERSON BECAUSE THE RESIDENT IS A RECIPIENT OF OR AN APPLICANT FOR THE MEDICAL ASSISTANCE PROGRAM. FOR THE PURPOSES OF THIS SECTION, A RECIPIENT OR APPLICANT SHALL BE CONSIDERED A RESIDENT IN THE FACILITY DURING ANY HOSPITAL STAY TOTALING TEN DAYS OR LESS FOLLOWING A HOSPITAL ADMISSION. The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the ten-day period. (Section 3-401.1(a) of the Act)

d) INVOLUNTARY TRANSFER OR DISCHARGE OF A RESIDENT FROM A FACILITY SHALL BE PRECEDED BY THE DISCUSSION REQUIRED UNDER SECTION 3-408 OF THE ACT and subsection (j) of this Section AND BY A MINIMUM WRITTEN NOTICE OF 21 DAYS. The 21-day requirement shall not apply in any of the following instances:

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1) WHEN AN EMERGENCY TRANSFER OR DISCHARGE IS ORDERED BY THE RESIDENT'S ATTENDING PHYSICIAN BECAUSE OF THE RESIDENT'S HEALTH CARE NEEDS; (Section 3-402(a) of the Act)

2) WHEN THE TRANSFER OR DISCHARGE IS MANDATED BY THE PHYSICAL SAFETY OF OTHER RESIDENTS, THE FACILITY STAFF, OR FACILITY VISITORS AS DOCUMENTED IN THE CLINICAL RECORD. (Section 3-402(b) of the Act)

e) THE NOTICE REQUIRED BY SECTION 3-402 OF THE ACT and subsection (d) of this Section SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL CONTAIN ALL OF THE FOLLOWING:

1) THE STATED REASON FOR THE PROPOSED TRANSFER OR DISCHARGE; (Section 3-403(a) of the Act)

2) THE EFFECTIVE DATE OF THE PROPOSED TRANSFER OR DISCHARGE; (Section 3-403(b) of the Act)

3) A STATEMENT IN NOT LESS THAN 12-POINT TYPE, WHICH READS: "YOU HAVE A RIGHT TO APPEAL THE FACILITY'S DECISION TO TRANSFER OR DISCHARGE YOU. IF YOU THINK YOU SHOULD NOT HAVE TO LEAVE THIS FACILITY, YOU MAY FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT OF PUBLIC HEALTH WITHIN TEN DAYS AFTER RECEIVING THIS NOTICE. IF YOU REQUEST A HEARING, IT WILL BE HELD NOT LATER THAN TEN DAYS AFTER YOUR REQUEST, AND YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED DURING THAT TIME. IF THE DECISION FOLLOWING THE HEARING IS NOT IN YOUR FAVOR, YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED PRIOR TO THE EXPIRATION OF 30 DAYS FOLLOWING RECEIPT OF THE ORIGINAL NOTICE OF THE TRANSFER OR DISCHARGE. A FORM TO APPEAL THE FACILITY'S DECISION AND TO REQUEST A HEARING IS ATTACHED. IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF PUBLIC HEALTH AT THE TELEPHONE NUMBER LISTED BELOW." (Section 3-403(c) of the Act)

4) A HEARING REQUEST FORM, TOGETHER WITH A POSTAGE PAID, PREADDRESSED ENVELOPE TO THE DEPARTMENT; AND (Section 3-403(d) of the Act)

5) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON CHARGED WITH THE RESPONSIBILITY OF SUPERVISING THE TRANSFER OR DISCHARGE. (Section 3-403(e) of the Act)

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f) A REQUEST FOR A HEARING MADE UNDER SECTION 3-403 of the Act and subsection (e) of this Section SHALL STAY A TRANSFER PENDING A HEARING OR APPEAL OF THE DECISION, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER subsections (d)(1) and (2) of this Section DEVELOPS IN THE INTERIM. (Section 3-404 of the Act)

g) A COPY OF THE NOTICE REQUIRED BY SECTION 3-402 of the Act and subsection (d) of this Section SHALL BE PLACED IN THE RESIDENT'S CLINICAL RECORD AND A COPY SHALL BE TRANSMITTED TO THE DEPARTMENT, THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, AND, IF THE RESIDENT'S CARE IS PAID FOR IN WHOLE OR PART THROUGH TITLE XIX, TO THE DEPARTMENT OF PUBLIC AID. (Section 3-405 of the Act)

h) WHEN THE BASIS FOR AN INVOLUNTARY TRANSFER OR DISCHARGE IS THE RESULT OF AN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO A RECIPIENT OF TITLE XIX AND A HEARING REQUEST IS FILED WITH THE DEPARTMENT OF PUBLIC AID, THE 21-DAY WRITTEN NOTICE PERIOD SHALL NOT BEGIN UNTIL A FINAL DECISION IN THE MATTER IS RENDERED BY THE DEPARTMENT OF PUBLIC AID OR A COURT OF COMPETENT JURISDICTION AND NOTICE OF THAT FINAL DECISION IS RECEIVED BY THE RESIDENT AND THE FACILITY. (Section 3-406 of the Act)

i) WHEN NONPAYMENT IS THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE, THE RESIDENT SHALL HAVE THE RIGHT TO REDEEM UP TO THE DATE THAT THE DISCHARGE OR TRANSFER IS TO BE MADE AND THEN SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. (Section 3-407 of the Act)

j) THE PLANNED INVOLUNTARY TRANSFER OR DISCHARGE SHALL BE DISCUSSED WITH THE RESIDENT, THE RESIDENT'S REPRESENTATIVE AND PERSON OR AGENCY RESPONSIBLE FOR THE RESIDENT'S PLACEMENT, MAINTENANCE, AND CARE IN THE FACILITY. THE EXPLANATION AND DISCUSSION OF THE REASONS FOR INVOLUNTARY TRANSFER OR DISCHARGE SHALL INCLUDE THE FACILITY ADMINISTRATOR OR OTHER APPROPRIATE FACILITY REPRESENTATIVE AS THE ADMINISTRATOR'S DESIGNEE. THE CONTENT OF THE DISCUSSION AND EXPLANATION SHALL BE SUMMARIZED IN WRITING AND SHALL INCLUDE THE NAMES OF THE INDIVIDUALS INVOLVED IN THE DISCUSSIONS AND MADE A PART OF THE RESIDENT'S CLINICAL RECORD. (Section 3-408 of the Act)

k) THE FACILITY SHALL OFFER THE RESIDENT COUNSELING SERVICES BEFORE THE TRANSFER OR DISCHARGE OF THE RESIDENT. (Section 3-409 of the Act)

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l) A RESIDENT SUBJECT TO INVOLUNTARY TRANSFER OR DISCHARGE FROM A FACILITY, THE RESIDENT'S GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT SHALL HAVE THE OPPORTUNITY TO FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT WITHIN TEN DAYS FOLLOWING RECEIPT OF THE WRITTEN NOTICE OF THE INVOLUNTARY TRANSFER OR DISCHARGE BY THE FACILITY. (Section 3-410 of the Act)

m) THE DEPARTMENT OF PUBLIC HEALTH, WHEN THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE IS OTHER THAN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO THE TITLE XIX MEDICAID RECIPIENT, SHALL HOLD A HEARING AT THE RESIDENT'S FACILITY NOT LATER THAN TEN DAYS AFTER A HEARING REQUEST IS FILED, AND RENDER A DECISION WITHIN 14 DAYS AFTER THE FILING OF THE HEARING REQUEST. (Section 3-411 of the Act)

n) THE HEARING BEFORE THE DEPARTMENT PROVIDED UNDER SECTION 3-411 of the Act and subsection (m) of this Section SHALL BE CONDUCTED AS PRESCRIBED UNDER SECTIONS 3-703 through 3-712 of the Act. IN DETERMINING WHETHER A TRANSFER OR DISCHARGE IS AUTHORIZED, THE BURDEN OF PROOF IN THIS HEARING RESTS ON THE PERSON REQUESTING THE TRANSFER OR DISCHARGE. (Section 3-412 of the Act)

o) IF THE DEPARTMENT DETERMINES THAT A TRANSFER OR DISCHARGE IS AUTHORIZED UNDER SECTION 3-401 of the Act and subsection (b) of this Section, THE RESIDENT SHALL NOT BE REQUIRED TO LEAVE THE FACILITY BEFORE THE 34TH DAY FOLLOWING RECEIPT OF THE NOTICE REQUIRED UNDER SECTION 3-402 of the Act and subsection (c) of this Section, OR THE TENTH DAY FOLLOWING RECEIPT OF THE DEPARTMENT'S DECISION, WHICHEVER IS LATER, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SECTION 3-402 of the Act and subsections (d)(1) and (2) of this Section DEVELOPS IN THE INTERIM. (B) (Section 3-413 of the Act)

p) THE DEPARTMENT OF PUBLIC AID SHALL CONTINUE TITLE XIX MEDICAID FUNDING DURING THE APPEAL, TRANSFER, OR DISCHARGE PERIOD FOR THOSE RESIDENTS WHO ARE TITLE XIX RECIPIENTS AFFECTED BY SECTION 3-402 of the Act and subsection (c) of this Section. (Section 3-414 of the Act)

q) ANY OWNER OF A FACILITY LICENSED UNDER THIS ACT SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENT WHO MUST BE

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TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE FACILITY SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. (Section 3-423 of the Act)

Section 340.1480 Complaint Procedures
EMERGENCY

a) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENT'S PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. (Section 2-103 of the Act)

b) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. (Section 2-212 of the Act)

c) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. (Section 2-212 of the Act)

d) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE DEPARTMENT. (Section 3-702(a) of the Act)

e) The facility shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee or resident.

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SUBPART D: HEALTH SERVICES

Section 340.1500 Medical Care Policies
EMERGENCY

a) The facility shall have a written program of medical services approved in writing by the advisory physician, which reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility.

b) Each resident admitted shall have a physical examination, within five days prior to admission or within 72 hours after admission. The examination report shall include at a minimum each of the following:

1) An evaluation of the resident's condition, including height and weight, diagnoses, plan of treatment, recommendations, treatment orders, personal care needs, and permission for participation in activity programs as appropriate.

2) Documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 340.1520.

3) Documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores), with grade, size and location specified, and orders for treatment, if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.)

4) Orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.

c) The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification.

d) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures.

e) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE

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REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNEE WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. (Section 2-104(b) of the Act)

f) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(c) of the Act)

g) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)

h) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. Any facility desiring to conduct an experimental program or do research that is in conflict with this Part shall submit a written request to the Department and secure prior approval. Such approval will be granted only if the request will not create an unnecessary and unusual threat to the health, welfare, safety or rights of residents or staff. (Section 2-104(a) of the Act)

i) ALL RESIDENTS SHALL BE PERMITTED RESPECT AND PRIVACY IN THEIR MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE THE RESIDENT'S PERMISSION TO BE PRESENT. (Section 2-105 of the Act)

Section 340.1510 Communicable Disease Policies
EMERGENCY

a) The administrator shall assume the responsibility for meeting the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.

b) A resident with a communicable, contagious or infectious disease shall not be admitted knowingly, except as allowed in subsection (d) of this Section. An individual, when suspected or diagnosed as having any such disease, after admission, shall be placed in

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isolation, if required, in accordance with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) until isolation can be discontinued or the person transferred.

c) All illnesses required to be reported under the rules of the Department of Public Health entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences. In addition, the Department shall also be informed of all Scabies and other skin infestations.

d) Admissions of Persons with Communicable, Contagious, or Infectious Diseases.

1) Persons with communicable, contagious, or infectious diseases may be admitted under the following conditions:

A) When a person's infectious condition is directly related to one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection.

B) When a person's condition is communicable, contagious, or infectious only through blood or other body fluid contact, such as hepatitis, acquired immunodeficiency syndrome (AIDS), AIDS-related complex (ARC), or human immunodeficiency virus (HIV) infection.

2) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable, contagious, or infectious condition under subsection (d)(1) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.

3) Permission to admit or keep a person with other communicable, contagious, or infectious diseases may be approved by the Department on an individual case basis. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to adequately safeguard the staff and other residents of the facility from the spread of primary and secondary infections.

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Section 340.1520 Tuberculin Skin Test Procedures
EMERGENCY

Tuberculin skin tests for employees and residents shall be conducted in accordance with the requirements in this Section.

a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.

b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.

c) A significant reaction shall be considered to exist when either of the following conditions are present:

1) There is an area of induration ten mm or more in diameter; or

2) There is an area of induration five mm or more in diameter and the attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.

d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.

e) If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examinations and treatment that are considered necessary, such as x-rays, cultures, or sputum smears.

Section 340.1530 Physician Services
EMERGENCY

a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (Section 2-104(a) of the Act)

b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)

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c) The services of a physician licensed to practice medicine in Illinois shall be available to every resident of the facility.

d) All residents shall be seen by their physician as often as necessary to assure adequate health care.

e) ALL RESIDENTS SHALL BE PERMITTED TO OBTAIN FROM THEIR OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)

f) All physician orders, plans of medical treatment, Medicare/Medicaid Certification and recertification statements must have the original written signature of the physician. The use of a physician's rubber stamp signature with or without initials is not acceptable.

Section 340.1540 Life-Sustaining Treatments
EMERGENCY

a) Every facility shall respect the residents' right to make decisions relating to their own medical treatment, including the right to accept, reject, or limit life-sustaining treatment. Every facility shall establish a policy concerning the implementation of such rights. Included within this policy shall be:

1) implementation of Living Wills or Powers of Attorney for Health Care in accordance with the Living Will Act (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 701 et seq.) [755 ILCS 35] and the Powers of Attorney for Health Care Law (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 804-1 et seq.) [755 ILCS 45];

2) THE IMPLEMENTATION OF PHYSICIAN ORDERS LIMITING RESUSCITATION SUCH AS THOSE COMMONLY REFERRED TO AS "DO-NOT-RESUSCITATE" ORDERS. THIS POLICY MAY ONLY PRESCRIBE THE FORMAT, METHOD OF DOCUMENTATION AND DURATION OF ANY PHYSICIAN ORDERS LIMITING RESUSCITATION. ANY ORDERS UNDER THIS POLICY SHALL BE HONORED BY THE FACILITY. (Section 2-104.2 of the Act);

3) procedures for providing life-sustaining treatments available to residents at the facility;

4) procedures detailing staff's responsibility with respect to the provision of life-sustaining treatment when a resident has chosen to accept, reject, or limit life-sustaining treatment, or when a resident has failed or has not yet been given the opportunity to make these choices;

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5) procedures for educating both direct and indirect care staff in the application of those specific provisions of the policy for which they are responsible.

b) For the purposes of this Section:

1) "Agent" means a person acting under a Health Care Power of Attorney in accordance with the Powers of Attorney for Health Care Law;

2) "Life-sustaining treatment" means any medical treatment, procedure, or intervention that, in the judgement of the attending physician, when applied to a resident, would serve only to prolong the dying process. Those procedures can include, but are not limited to, cardiopulmonary resuscitation (CPR), assisted ventilation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs, antibiotics, and artificial nutrition and hydration. Those procedures do not include performing the Heimlich maneuver or clearing the airway, as indicated;

3) "Surrogate" means a surrogate decision maker acting in accordance with the Health Care Surrogate Act (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 851-1 et seq.) [755 ILCS 40].

c) Within 30 days of admission for new residents, and within one year of the effective date of this Section for all residents who were admitted prior to the effective date of this Section, residents, agents, or surrogates shall be given written information describing the facility's policies required by this Section and shall be given the opportunity to:

1) execute a Living Will or Power of Attorney for Health Care in accordance with State law, if they have not already done so; and/or

2) decline consent to any or all of the life-sustaining treatments available at the facility.

d) Any decision made by a resident, an agent, or a surrogate pursuant to subsection (c) above must be recorded in the resident's medical record. Any subsequent changes or modifications must also be recorded in the medical record.

e) The facility shall honor all decisions made by a resident, an agent, or a surrogate pursuant to subsection (c) above and may not discriminate in the provision of health care on the basis of such decision or will transfer care in accordance with the Living Will Act, the Powers of Attorney for Health Care Law, the Health Care Surrogate Act or the Right of Conscience Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5301 et seq.) [745 ILCS 70].

f) The resident, agent, or surrogate may change his or her decision regarding life-sustaining treatments by notifying the treating facility of this decision change orally or in writing in accordance with State law.

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g) The physician shall confirm the resident's choice by writing appropriate orders in the patient record or will transfer care in accordance with the Living Will Act, the Powers of Attorney for Health Care Law, the Health Care Surrogate Act or the Right of Conscience Act.

h) If no choice is made pursuant to subsection (c) above, and in the absence of any physician's order to the contrary, then the facility's policy with respect to the provision of life-sustaining treatment shall control until and if such a decision is made by the resident, agent, or surrogate in accordance with the requirements of the Health Care Surrogate Act.

Section 340.1550 Obstetrical and Gynecological Care
EMERGENCY

EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act) In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected.

a) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, as a minimum, the following:

1) Early diagnosis of pregnancy.

2) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery.

3) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco.

4) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.

5) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations:

A) Hemoglobin or hematocrit measurement;

B) Urinalysis, including microscopic examination or culture;

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C) Blood group and Rh type determination;

D) Antibody screen;

E) Rubella antibody titer measurement;

F) Syphilis screen;

G) Cervical cytology;

H) Viral hepatitis (HBsAg) testing.

6) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.

7) Return visits, the frequency of which will be determined by the resident's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.

8) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.

9) Evaluation and monitoring of nutritional status and habits.

10) Education for health promotion and maintenance.

11) Counseling concerning exercise and childbirth education programs.

12) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

b) "Routine gynecological evaluations" shall include, as a minimum, the following:

1) An initial examination, the basic components of which are:

A) History; any present illnesses; menstrual, reproductive, medical surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.

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B) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.

C) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

2) Annual updates:

A) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history.

B) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.

C) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.

D) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.

3) Cancer screening:

A) An annual Pap test for all women who are or have been sexually active or have reached age 18.

B) Mammography if indicated.

c) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.

Section 340.1560 Nursing Personnel
EMERGENCY

a) There shall be sufficient number of nursing and auxiliary personnel on duty each day to provide adequate and properly supervised nursing services to meet the nursing needs of the residents.

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b) There shall be at least one person awake, dressed and on duty at all times in each separate unit.

c) Nursing service personnel at all levels of experience and competence shall only be assigned responsibilities in accordance with their qualifications.

Section 340.1570 Personal Care
EMERGENCY

a) Personal care, as defined in Section 340.1000, shall be provided on a 24-hour, seven day a week basis, as needed by the resident. This shall include, but not be limited to, the following:

1) Each resident shall have proper daily personal attention, including skin, nails, hair, and oral hygiene, in addition to any treatment ordered by the physician.

2) Each resident shall have at least one complete bath and shampoo weekly and as many additional baths and shampoos as necessary for satisfactory personal hygiene.

3) Each resident shall have clean suitable clothing in order to be comfortable, sanitary, free of odors, and decent in appearance. Unless otherwise indicated by their physician, this should be street clothes and shoes.

4) Each resident shall have clean bed linens at least once weekly and more often if necessary.

b) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF PROPER FIT. (Section 2-103 of the Act)

Section 340.1580 Restraints
EMERGENCY

a) The facility shall have written policies controlling the use of restraints, including but not limited to leg restraints, arm restraints, hand mitts, soft ties or vests, wheelchair safety bars and all facility practices that meet the definition of a restraint. Such practices shall include but not be limited to: tucking in a sheet so tightly that a bed-bound resident cannot move; bed rails; chairs that prevent rising; or placing a resident who uses a wheelchair so close to a wall that the wall prevents the resident from rising. Wrist bands or devices on clothing that trigger electronic alarms to warn staff that a resident is leaving a room do not, in and of themselves, restrict freedom of movement and should not be considered as restraints. The policies shall be followed in the operation of the facility and shall comply with the Act and this Part. These policies shall be developed by the medical advisory committee or the advisory physician with participation by nursing and administrative personnel.

b) No restraints with locks shall be used.

c) Physical restraints shall not be used on a resident for the purposes of discipline or convenience.

Section 340.1590 Nonemergency Use of Restraints
EMERGENCY

a) Physical restraints shall only be used when required to treat the residents' medical symptoms or as a therapeutic intervention, as ordered by a physician, and based on:

1) the assessment of the resident's capabilities and an evaluation and trial of less restrictive alternatives that could prove effective;

2) the assessment of a specific medical symptom, including life-saving treatment, that requires the use of restraints, those symptoms being treated and how the use of restraints will assist the resident in reaching his or her HIGHEST PRACTICABLE PHYSICAL, MENTAL OR PSYCHOSOCIAL WELL BEING;

3) consultation with appropriate health professionals, such as occupational or physical therapists, which indicates that the use of less restrictive measures or therapeutic interventions has proven ineffective; and

4) demonstration by the care planning process that using a restraint as a therapeutic intervention will promote the care and services necessary for the resident to attain or maintain the HIGHEST PRACTICABLE PHYSICAL, MENTAL OR PSYCHOSOCIAL WELL BEING. (Section 2-106(e) of the Act, as amended by Public Act 88-413, effective August 20, 1993)

b) A RESTRAINT MAY BE USED ONLY WITH THE INFORMED CONSENT OF THE RESIDENT, THE RESIDENT'S GUARDIAN, OR OTHER AUTHORIZED REPRESENTATIVE. (Section 2-106(c) of the Act, as amended by P.A. 88-413) Informed consent includes information about potential negative outcomes of the use of a particular restraint, including incontinence, decreased range of motion, decreased ability to ambulate, symptoms of withdrawal or depression, or reduced social contact.

c) Use of a restraint may only be authorized for a specified period of time. The effectiveness of the restraint in treating medical symptoms or as a therapeutic intervention, and any negative impact on the resident, shall be assessed by the facility throughout the period of time the restraint is used.

d) After the authorized period for use of a restraint has expired, information about the actual effectiveness of the restraint in treating the resident's medical symptoms or as a therapeutic intervention and about any actual negative impact on the resident shall be

given to the resident, resident's guardian, or other authorized representative before the facility secures an informed consent for an additional period of time.

e) A RESTRAINT MAY BE APPLIED ONLY BY staff TRAINED IN THE APPLICATION OF THE PARTICULAR TYPE OF RESTRAINT. (Section 2-106(d) of the Act, as amended by P.A. 88-413)

f) WHENEVER A PERIOD OF USE OF A RESTRAINT IS INITIATED, THE RESIDENT SHALL BE ADVISED OF HIS OR HER RIGHT TO HAVE A PERSON OR ORGANIZATION OF HIS OR HER CHOOSING, INCLUDING THE GUARDIANSHIP AND ADVOCACY COMMISSION, NOTIFIED OF THE USE OF THE RESTRAINT. A period of use of a restraint is initiated when a particular restraint is applied to a resident for the first time under a new or renewed authorization for the use of that restraint. A RECIPIENT WHO IS UNDER GUARDIANSHIP MAY REQUEST THAT A PERSON OR ORGANIZATION OF HIS OR HER CHOOSING BE NOTIFIED OF THE RESTRAINT, WHETHER OR NOT THE GUARDIAN APPROVES THE NOTICE. IF THE RESIDENT SO CHOOSES, THE FACILITY SHALL MAKE THE NOTIFICATION WITHIN 24 HOURS, INCLUDING ANY INFORMATION ABOUT THE PERIOD OF TIME THAT THE RESTRAINT IS TO BE USED. WHENEVER THE GUARDIANSHIP AND ADVOCACY COMMISSION IS NOTIFIED THAT A RESIDENT HAS BEEN RESTRAINED, IT SHALL CONTACT THE RESIDENT TO DETERMINE THE CIRCUMSTANCES OF THE RESTRAINT AND WHETHER FURTHER ACTION IS WARRANTED. (Section 2-106(e) of the Act, as amended by P.A. 88-413)

g) WHENEVER A RESTRAINT IS USED ON A RESIDENT WHOSE PRIMARY MODE OF COMMUNICATION IS SIGN LANGUAGE, THE RESIDENT SHALL BE PERMITTED TO HAVE HIS OR HER HANDS FREE FROM RESTRAINT FOR BRIEF PERIODS EACH HOUR, EXCEPT WHEN THIS FREEDOM MAY RESULT IN PHYSICAL HARM TO THE RESIDENT OR OTHERS. (Section 2-106(f) of the Act, as amended by P.A. 88-413)

h) The plan of care shall contain a schedule or plan of rehabilitative/habilitative training to enable the progressive removal of restraints or the progressive use of less restrictive means.

i) A resident wearing a restraint shall have it released for a few minutes at least once every two hours, or more often if necessary. During these times, residents shall be assisted with ambulation, as their condition permits, and provided a change in position, skin care and nursing care, as appropriate.

j) No form of seclusion shall be permitted.

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Section 340.1600 Emergency Use of Restraints
EMERGENCY

a) IF A RESIDENT NEEDS EMERGENCY CARE, RESTRAINTS MAY BE USED FOR BRIEF PERIODS TO PERMIT TREATMENT TO PROCEED UNLESS THE FACILITY HAS NOTICE THAT THE RESIDENT HAS PREVIOUSLY MADE A VALID REFUSAL OF THE TREATMENT IN QUESTION. (Section 2-106(c) of the Act, as amended by Public Act 88-413)

b) For this Section only "emergency care" means the unforeseen need for immediate treatment inside or outside the facility that is necessary to:

1) save the resident's life;

2) prevent the resident from doing serious mental or physical harm to himself/herself; or

3) prevent the resident from injuring another individual.

c) If a resident needs emergency care and other less restrictive interventions have proved ineffective, a restraint may be used briefly to permit treatment to proceed. The attending physician shall be contacted immediately for orders. If the attending physician is not available, the facility's advisory physician or Medical Director shall be contacted. If a physician is not immediately available, a nurse with supervisory responsibility may approve, in writing, the use of physical restraints. A confirming order, which may be obtained by telephone, shall be obtained from the physician as soon as possible, but no later than eight hours after the restraint has been applied. The resident must be in view of a staff person at all times the restraint is in place until the resident has been examined by a physician. The resident's needs for toileting, ambulation, hydration, nutrition, repositioning, and skin care must be met during the temporary restraint.

d) The emergency use of a restraint must be documented in the resident record, including:

1) the behavior incident that prompted the use of the restraint;

2) the date and times the restraint was applied and released;

3) the name and title of the person responsible for the application and supervision of the restraint;

4) the action by the resident's physician upon notification of the restraint use;

5) the new or revised orders issued by the physician; and

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6) the date of the scheduled care planning conference or the reason a care planning conference is not needed, in light of the resident's emergency need for restraints.

e) The facility shall comply with Sections 340.1580(b) and (c) and 340.1590 (b), (e), (f), (g), and (j).

Section 340.1610 Unnecessary, Psychotropic, and Antipsychotic Drugs
EMERGENCY

a) A RESIDENT SHALL NOT BE GIVEN UNNECESSARY DRUGS in accordance with Section 340.Table E. In addition, AN UNNECESSARY DRUG IS ANY DRUG USED:

1) IN AN EXCESSIVE DOSE, INCLUDING IN DUPLICATIVE THERAPY;

2) FOR EXCESSIVE DURATION;

3) WITHOUT ADEQUATE MONITORING;

4) WITHOUT ADEQUATE INDICATIONS FOR ITS USE; OR

5) IN THE PRESENCE OF ADVERSE CONSEQUENCES THAT INDICATE THE DRUGS SHOULD BE REDUCED OR DISCONTINUED. (Section 2-106.1(a) of the Act as added by Public Act 88-413)

b) Psychotropic medication shall not be prescribed without the informed consent of the resident, the resident's guardian, or other authorized representative.

c) Residents shall not be given antipsychotic drugs unless antipsychotic drug therapy is necessary, as documented in the resident's comprehensive assessment, to treat a specific condition as diagnosed and documented in the clinical record in accordance with Section 340.Table E, Guidelines for the Use of Various Drugs.

d) Residents who use antipsychotic drugs shall receive gradual dose reductions and behavior interventions, unless clinically contraindicated in an effort to discontinue these drugs in accordance with Section 340.Table E, Guidelines for the Use of Various Drugs.

e) For the purposes of this Section:

1) "Duplicative drug therapy" means any drug therapy that duplicates a particular drug effect on the resident without any demonstrative therapeutic benefit. For example, any two or more drugs, whether from the same drug category or not, that have a sedative effect.

2) "PSYCHOTROPIC MEDICATION" MEANS MEDICATION THAT IS USED FOR OR LISTED AS USED FOR ANTIPSYCHOTIC, ANTIDEPRESSANT, ANTIMANIC OR ANTIANXIETY BEHAVIOR MODIFICATION OR BEHAVIOR MANAGEMENT PURPOSES IN THE LATEST EDITION OF THE AMA DRUG EVALUATIONS OR THE PHYSICIAN'S DESK REFERENCE OR Drug Evaluation Subscription, American Medical Association, Vols. I-III, Summer 1993. (Section 2-106.1(b) of the Act, as amended by P.A. 88-413)

3) "Antipsychotic Drug" means a neuroleptic drug that is helpful in the treatment of psychosis and has a capacity to ameliorate thought disorders.

Section 340.1620 Medication Administration
EMERGENCY

a) Every facility shall adopt written policies and procedures which are consistent with the Act and this Part and which shall be followed in the operation of the facility. These policies and procedures shall be in compliance with all applicable Federal, State and local laws.

b) Medications shall be administered by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements. Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools successfully complete a course in pharmacology or have at least one year's full-time supervised experience in administering medications in a health care setting, in order to be considered to be properly qualified, by training or experience, to administer medications.

c) All legend medications maintained in the facility shall be on individual prescriptiono r from the physician's personal office supply. A physician who supplies medication from his/her personal office supply must comply with the requirements of Section 33 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-33) [225 ILCS 60]

Section 340.1630 Self-Administration of Medication
EMERGENCY

a) A resident may self-administer medications, as approved, in writing by the resident's personal physician.

b) All medications shall be properly labeled and stored in a locked area at all times. Areas shall be well lighted and of sufficient size to permit storage without crowding. This area may be a drawer, closet, cabinet or room. The medication area shall not be used for any other purpose. It shall not be located in resident's rooms, bathrooms or the kitchen, except as allowed in subsection (d) of this Section. The key to the medication area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents.

c) If the medication policies of the facility permit residents to be totally responsible for their own medication, when the attending physician gives written permission for such action, the policies of the facility shall provide that the resident and attending physician shall be given written statements concerning the relative responsibilities of each of the three parties (facility, resident and physician), in cases where the resident, or any other person, suffers harm due to the resident's actions in handling their own medications.

d) Residents who are totally responsible for their own medication shall maintain possession of the key or combination of the lock, to their own medication storage area which may be a locked drawer or cabinet in the resident's room or private bathroom along with other possessions of that resident. A duplicate key, or a copy of the combination, shall be kept by the facility in its safe, or some other secure place, for emergency use, such as if the resident should lose or misplace his/her key, or forget the combination.

e) Facility staff must not administer medications unless they are properly licensed in Illinois as a nurse or physician. Unlicensed facility staff may assist in self-administration of medications as follows:

1) They may prompt a resident that it is the time to take medication.

2) They may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the residcnt is physically unable to the open the container, a staff member may open the container for the resident.

3) Facility staff may also assist physically impaired residents, such as those who have arthritis, cerebral palsy, or Parkinson's disease, in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so himself without spilling it.)

Agency Note: Attorney General's Opinion File NO. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65], and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

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SUBPART E: RESIDENT LIVING SERVICES

Section 340.1700 Recreational and Activity Programs
EMERGENCY

a) The facility shall provide recreational and activity services as necessary to meet the needs of the residents. These services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of both community and facility resources and to maximize benefits to the residents.

b) There shall be a specific planned program of group and individual activities designed to encourage habilitation or restoration to self-care and maintenance of normal activity that is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time. Residents shall be given an opportunity to contribute to planning, preparing, conducting, cleaning up, and critiquing of the program.

c) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted.

d) Activity program supplies and equipment shall be provided in sufficient quantity and variety to carry out the activity program objectives and to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record or tape player. A piano or organ is recommended as an important adjunct to the activity program equipment.

e) There shall be a trained staff person designated responsible for planning and directing the activities program. This person shall be on duty for a sufficient amount of time to provide a program that meets the residents' needs and interests. Additional activity personnel shall be provided as necessary to meet the needs of the residents and the program.

f) If this person is not a Registered Occupational Therapist, a Therapeutic Recreation Specialist, or a Certified Social Worker with specialized coursework in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the Activity Director in order to make sure that the activity programming meets the needs of the residents of the facility.

g) The activity program should include at a minimum the following program areas:

1) Recreational activities (examples: games, both quiet and active; parties; outside entertainment).

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2) Arts and Crafts (applicable for the needs and interests of the residents).

3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing. These are in addition to routine religious services.)

4) Service activities for community or facility (examples: assist with community fund drives; projects for community or facility; helping to fold linen).

5) Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces; planned group discussion; quizzes and word games; newsletter).

6) Community activities (examples: residents' participation in community activities such as plays, church events, band concerts, and tours).

h) Documentation of resident's response to programs shall be part of the resident's record.

Section 340.1710 Social Services
EMERGENCY

If the staff member designated to provide social services is not a registered or certified social worker, the facility shall have an effective arrangement with a registered or certified social worker to provide social service consultation.

Section 340.1720 Work Programs
EMERGENCY

a) In-house facility work programs for individual residents shall be allowed only if oriented toward resident adjustment and therapeutic benefits.

1) Documentation for each program shall include, but not be limited to, objectives, possible work assignment, duties, policies governing the program, agency involvement (where appropriate), and supervision.

2) Residents involved in such programs shall meet all requirements of the Department for persons functioning in these positions.

3) Residents shall not be used to replace employed staff.

4) All such programs shall be in full compliance with all applicable regulations of both the State and Federal Departments of Labor. Any program found by the Department not to be in compliance with State and Federal Departments of Labor regulations shall be terminated immediately.

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b) The facility should cooperate with state and community agencies in assisting individual residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, sheltered workshop programs, and other similar programs that are provided outside of the facility.

c) Appropriate records shall be maintained for residents functioning in these programs in the facility or outside the facility. These shall show appropriateness of the program for the individual, resident's response to the program, and any other pertinent observations and shall become a part of the resident's record.

d) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. (Section 2-113 of the Act)

SUBPART F: RESIDENT RECORDS

Section 340.1800 Resident Record Requirements
EMERGENCY

a) Each facility shall designate an employee to be responsible for completing, maintaining and preserving the medical records.

b) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents as demonstrated by the facility.

c) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible, and available at all times to those personnel authorized by the facility's policies and to the Department's representatives.

d) Record entries shall meet the following requirements:

1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded.

2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry.

e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained.

1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change.

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2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident.

f) A medication administration record shall be maintained, which contains the date and time each medication is given, name of drug, dosage, and by whom administered. A medication administration record is not required for residents who have been approved to be fully responsible for their own medications in accordance with Section 340.1630(c).

g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. This does not prohibit the use of universal progress notes.

h) Discharge information shall be completed within 48 hours after the resident leaves the facility. Resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. The discharge information shall also include reasons for discharge, diagnosis, individual habilitation plan, physical, pertinent medical and social histories, orders, and staff recommendations for immediate care to ensure the optimal continuity of care for the resident.

Section 340.1810 Content of Medical Records
EMERGENCY

a) No later than the time of admission, the facility shall enter the following information, as applicable, onto the identification or admission sheet for each resident.

1) Name, sex, date of birth and Social Security Number;

2) Marital Status, and the name of spouse;

3) Date of admission to the facility;

4) Date of current admission to the facility;

5) State or country of birth;

6) Home address;

7) Religious affiliation;

8) Name, address and telephone number of any referring agency, state hospital, zone center or hospital from which the resident has been transferred;

9) Name and telephone number of the resident's personal physician;

10) Name and telephone number of the resident's representative or guardian, if any;

11) Name and telephone number of the resident's next of kin or responsible relative;

12) Language understood or spoken;

13) Race and origin;

14) Most recent occupation;

15) Whether the resident or the resident's spouse is a veteran;

16) Father's name and mother's name;

17) Name, address and telephone number of the resident's dentist; and

18) The diagnosis applicable at the time of admission.

b) In addition to the information that is specified above, each resident's medical record shall contain the following:

1) Medical history and physical examination form that includes conditions for which medications have been prescribed, physician findings, all known diagnoses and restoration potential. This shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident. Examples of diagnoses and conditions that are to be included are allergies, epilepsy, diabetes and asthma.

2) A physician's order sheet that includes orders for all medications, treatments, therapy and rehabilitation services, diet, activities and special procedures or orders required for the safety and well-being of the resident.

3) Nurse's notes that describe the nursing care provided, observations and assessment of symptoms, reactions to treatments and medications, progression toward or regression from each resident's established goals, and changes in the resident's physical or emotional condition.

4) An ongoing record of notations describing significant observations or developments regarding each resident's condition and response to treatments and programs.

A) Physicians and other consultants who provide direct care or treatment to residents shall make notations at the time of each visit with a resident.

B) Significant observations or developments regarding resident responses to activity programs, social services, dietary services and work programs shall be recorded as they are noted. If no significant observations or developments are noted for three months, an entry shall be made in the record of that fact.

C) Significant observations or developments regarding resident responses to nursing and personal care shall be recorded as they are noted. If no significant observations or developments are noted for a month, an entry shall be made in the record of that fact.

D) Significant behavior incidents, reactions to any family visits and contacts, attendance at programs.

5) Any laboratory and x-ray reports ordered by the resident's physician.

6) Documentation of visits to the resident by a physician and to the physician's office by the resident. The physician shall record, or dictate and sign, the results of such visits, such as changes in medication, observations, and recommendations made by the physician during the visits, in the record.

7) All psychological testing and multidisciplinary evaluations regarding each resident.

8) Any correspondence pertaining to the resident's program.

9) Appropriate authorizations and consents.

10) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment, and a discharge summary. This transfer information, which may be included in the transfer agreement, shall be signed by the physician who attended the resident while in the hospital.

Section 340.1820 Records Pertaining to Resident's Property
EMERGENCY

a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record.

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b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased.

c) A separate bookkeeping system shall be maintained by the facility, which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account.

Section 340.1830 Retention, Transfer, and Inspection of Records
EMERGENCY

a) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period.

b) Records of discharged residents shall be placed in an inactive file and retained as follows:

1) Records for any resident who is discharged prior to being 18 years old shall be retained at least until the resident reaches the age of 23.

2) Records of residents who are over 18 years old at the time of discharge shall be retained for a minimum of five years.

3) After the death of a resident, the resident's record shall be retained for a minimum of five years.

4) It is suggested that the administrator check with legal counsel regarding the advisability of retaining resident records for a longer period of time.

5) If a facility ceases operation, procedures for handling resident records shall be developed by legal counsel.

c) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in a transfer form or an abstract of the resident's medical record.

d) The facility shall retain other records required by these standards for a minimum of three years. Procedures to be followed in the event the facility ceases operation shall be developed by facility legal counsel.

e) Each resident record is the property of the facility. The facility shall be responsible for securing resident record information against loss, defacement, tampering or use by unauthorized persons.

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f) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT (IF THE RESIDENT IS A MINOR) SHALL BE PERMITTED TO INSPECT AND COPY ALL OF THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(d) of the Act)

Section 340.1840 Confidentiality of Resident's Records
EMERGENCY

a) All information contained in a resident's record, including any information contained in an automated data bank, shall be considered confidential. The facility shall permit the appropriate State and federal agencies (such as Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, and the U.S. Department of Health and Human Services and state and federal Department of Veterans' Affairs) to have access to resident records.

b) The facility shall develop and implement written policies governing access to, duplication of, and dissemination of information from medical records.

c) The facility shall obtain written consent of the resident, or the resident's guardian, prior to any release of any resident record information to persons not authorized to receive the information.

SUBPART G: FOOD SERVICE

Section 340.1900 Food Service Staff
EMERGENCY

a) Each facility shall have a full-time person, suited by training and experience, who has been designated by the administration to be responsible for the total food service operation of the facility. The food service supervisor may assume cooking duties but only if these duties do not interfere with the responsibilities of management and supervision.

b) There shall be sufficient number of food service personnel employed and on duty to meet the dietary needs of all residents eating meals in the facility. Food service staff working hours shall be scheduled to meet the total dietary needs of the residents. All food service employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the food service for employees' information and use.

c) Food service personnel shall be in good health and shall practice hygienic food handling techniques and good personal grooming.

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Section 340.1910 Diet Orders
EMERGENCY

a) Physicians shall write, in the medical record, a diet order for each resident indicating whether the resident is to have a general or a therapeutic diet. The diet shall be served as ordered.

b) A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident as ordered by his physician. The diet order shall include, but is not limited to, the following information: name of resident; room and bed number; type of diet; consistency, if other than regular; date diet order is sent to dietary; name of physician ordering the diet; and the signature of the person transmitting the order to the food service department.

c) The resident shall be observed to determine acceptance or lack of acceptance of the diet, and these observations shall be recorded in the resident's record.

Section 340.1920 Adequacy of Diet and Meal Pattern
EMERGENCY

a) The daily food allowance shall meet the nutritional needs of each resident in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences and shall include at least:

1) Two (2) servings of milk. One serving of milk is equivalent, as follows:

A) Eight (8) ounces of Grade A whole or low fat pasteurized milk equals one serving.

B) One inch cube of cheddar type cheese equals one half cup milk.

C) Two-thirds cup cottage cheese equals one half cup milk.

D) One cup ice cream equals one half cup milk.

2) Two (2) servings of edible meat or other good quality protein food. One serving is equivalent, as follows:

A) Three (3) ounces (excluding bone, fat and breading) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.

B) Three (3) ounces cooked fish or shell fish or one half cup canned fish.

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C) Three (3) ounces of natural or processed cheese or three-fourths cup cottage cheese.

D) Three (3) eggs (minimum weight of twenty-one (21) ounces per dozen). Note: If one egg is served at breakfast, the protein food of good quality may be reduced from six (6) to five (5) ounces. If two (2) eggs are served at breakfast, the protein food of good quality may be reduced from six (6) to four (4) ounces.

E) One cup cooked dried peas or beans; six (6) tablespoons of peanut butter; or three (3) ounces of textured or soy bean entree not more than twice a week and provided eggs, cheese, milk or lean meat are served at the same meal.

F) Combinations of all above examples are acceptable, provided the minimum standard of six (6) ounces of a protein food of good quality is served daily and provided the combinations do not conflict with eye appeal or palatability.

3) Four (4) servings of vegetable or fruit. One serving is equivalent to one-half cup. Within these four (4) daily services:

A) One daily serving shall be of a good source of vitamin C or two (2) daily servings shall be of a fair source of vitamin C. A good source of vitamin C may include grapefruit, grapefruit juice, orange, orange juice, cantaloupe, strawberries, broccoli, brussels sprouts, green peppers or sweet red peppers. A fair source of vitamin C may include cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, turnip greens.

B) Three (3) weekly servings shall be of a good source of vitamin A. A good source of vitamin A may include apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens, winter squash.

4) Four (4) servings of breads or cereal. One serving is equivalent to:

A) One slice of bread

B) One-half cup cooked cereal

C) Three-fourths cup cold cereal

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5) A food item may not be considered to fulfill more than one of the requirements listed in Section 340.2250(a)(1) through (4). For example: Cheese may be used to fulfill the milk or meat requirement, not both.

6) To ensure variety, when a food item is served twice in the same day, it may only be considered to fulfill one of the requirements of Section 340.2250(a)(1) through (4) once. Except that two (2) eggs may be counted as described in Section 340.2250(a)(2)(D) and that bread may be counted more than once. For example if cheese was served at the noon and evening meal, one serving of cheese would be considered to fulfill one of the requirements of Section 340.2250(a)(1) through (4), and the purpose of the other serving may be to meet Section 340.2250(a)(7).

7) Other food items shall be served to round out meals, satisfy individual appetites, improve flavor, and meet individual calorie needs.

b) Each resident shall receive and the facility provides at least three meals daily, at regular times comparable to normal mealtimes in the community. (Four or five meal a day plans are acceptable in accordance with Section 340.Table A.) The three meal a day plan is as follows:

1) Breakfast: Fruit Juice; Cereal; Meat (optional, but three-four times per week preferable); Bread, Butter or Margarine; Milk; and Choice of additional beverage.

2) Main Meal (may be served noon or evening): Soup or Juice (optional); Entree (quality protein); Potato or potato substitute; Vegetable or Salad; Dessert (preferably fruit unless fruit is served as a salad or will be served at other meal); Bread, Butter or Margarine; and Choice of beverage.

3) Lunch or Supper: Soup or Juice (optional); Entree (quality protein); Potato or potato substitute (optional if served at main meal); Vegetable or Salad; Dessert; Bread, Butter or Margarine; Milk; and Choice of additional beverage.

c) There shall be no more than a fourteen (14) hour span between the usual commencement of the evening meal and the usual commencement of the morning meal.

d) Snacks of nourishing quality shall be offered at bedtime when there is a time span of four (4) or more hours between the ending of the last meal and bedtime, or as otherwise indicated in the resident's plan or care.

e) If a resident refuses food served, reasonable and nutritionally appropriate substitutes shall be served.

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Section 340.1930 Therapeutic Diets
EMERGENCY

a) A therapeutic diet is a diet that varies from the recommended nutritional requirements as specified in Section 340.1920.

b) All diets or dietary restrictions shall be planned or approved by a dietitian.

c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen.

d) All therapeutic diets, with the exception of liquid and medical soft, shall be reviewed at least every month. Liquid therapeutic diets shall be reviewed every forty-eight (48) hours. Medical soft diets shall be reviewed every three (3) weeks. This review shall be done by licensed nursing personnel or a qualified dietitian with recommendations to the attending physician.

e) The facility shall have available and in use two (2) or more copies of a current diet manual. One copy shall be located in the kitchen for use by dietary personnel; others shall be located at each nurses' station for use by the physician when prescribing diets.

Section 340.1940 Menu Planning
EMERGENCY

a) Menus, including menus for "sack" lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook used for that purpose. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served.

b) The menu for the current week shall be dated and posted. Upon the request of the Department, sample menus shall be submitted for evaluation.

c) Menus shall be different for the same day of consecutive weeks.

d) All menus as actually served shall be kept on file for not less than thirty (30) days.

e) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two (2) day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu.

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f) Records of all food purchased shall be kept on file for not less than thirty (30) days.

Section 340.1950 Food Preparation and Service
EMERGENCY

a) Every facility shall comply with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750).

b) Foods shall be prepared by appropriate methods that will conserve their nutritive value and enhance their flavor and appearance. They shall be prepared according to standardized recipes, and a file of such recipes shall be available for the cook's use.

c) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs.

d) Foods shall not be mixed for feeding so that residents may discriminate individual tastes.

e) All residents shall be served in a dining room or multi-purpose room except for an individual with temporary illness, who is too ill, or for other valid reasons. Residents shall be in an upright position during meal service unless contraindicated by the resident's condition.

Section 340.1960 Kitchen Equipment, Utensils, and Supplies
EMERGENCY

a) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

b) Each facility shall have available for use a sufficient supply of adaptive food service equipment necessary to meet the need of each resident.

SUBPART H: PHYSICAL PLANT SERVICES, FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section 340.2000 Maintenance
EMERGENCY

a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies.

b) Each facility shall:

1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose

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handrails or railings; loose or broken window panes; and any other similar hazards.

2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems.

3) Maintain all electrical cords and appliances in a safe and functioning condition.

4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing, and other types of maintenance).

5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.

6) Maintain the grounds and other buildings on the grounds in a safe, sanitary, presentable condition, free of refuse and litter.

7) Maintain the building and grounds free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh screen to the inch and repair of any breaks in construction.

8) Maintain all plumbing fixtures and piping in good repair and properly functioning.

9) Protect the potable water supply from contamination by providing and properly installing adequate backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

Section 340.2010 Water Supply, Sewage Disposal and Plumbing
EMERGENCY

a) Water Supply

1) Each facility shall be served by water from a municipal public water supply when available.

2) When a municipal public water supply is not available, the water supply shall comply with the Department's rules entitled "Drinking Water Systems," (77 Ill. Adm. Code 900).

3) If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the Department's rules entitled "Illinois Water Well Construction Code" (77 Ill. Adm. Code 920) and "Water Well Pump Installation Code" (77 Ill. Adm. Code 925).

4) Each water supply shall comply with all applicable State and local codes and ordinances.

5) Each facility shall have a written agreement with a water company, dairy, or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

b) Sewage Disposal

1) All sewage and liquid wastes shall be discharged into a public sewage system when available.

2) When a public sewage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the Department's rules entitled "Private Sewage Disposal Code" (77 Ill. Adm. Code 905).

3) All sewage disposal systems shall comply with all applicable State and local codes and ordinances.

c) Plumbing

1) Each plumbing system shall comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) effective at the time of construction or approved acceptance by the Department.

2) All plumbing systems shall comply with all applicable State and local codes and ordinances.

Section 340.2020 Housekeeping
EMERGENCY

a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall:

1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas.

2) Keep floors clean, as nonslip as possible, and free from tripping hazards including throw or scatter rugs.

3) Control odors within the housekeeping staff's areas of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants

shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices.

b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items.

c) Bathtubs, shower stalls, and lavatories shall not be used for laundering, janitorial, or storage purposes.

d) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

Section 340.2030 Laundry Services
EMERGENCY

a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through an in-house laundry or a contract with an outside service.

1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens.

2) If an in-house laundry service is provided, then the following conditions shall exist:

A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.

B) Written operating procedures shall be developed, posted and implemented that provide for the handling, transport and storage of clean and soiled linens.

C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking, using the toilet, and handling soiled linens.

D) Clean linen shall be protected from contamination during handling, transport, and storage.

E) Soiled linen shall be handled, transported, and stored in a manner that protects facility residents and personnel.

F) If supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.

b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and shall provide for protection of clean linens during transport back to the facility.

c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported, and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

Section 340.2040 Furnishings
EMERGENCY

a) Each resident shall be provided, if he or she does not wish to provide his or her own, furniture and furnishings for his or her bedroom. These items shall be well constructed, of a satisfactory design, and appropriate to meet the needs of the resident. This shall include, but not be limited to:

1) a bed of a size appropriate to the resident;

2) a clean, firm, comfortable mattress and pillow;

3) accessible in-room storage for folded clothing, such as a dresser or chest of drawers;

4) accessible in-room storage for hanging clothes, such as a closet or wardrobe;

5) an area to hang the resident's towel and washcloth;

6) a reading light at an in-room location convenient to the resident, such as at bedside or near a chair;

7) a location to keep nursing and personal care items that are appropriate for in-room storage, such as a bedside cabinet.

8) comfortable in-room seating.

b) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENT'S ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S MEDICAL RECORDS. (Section 2-108(e) of the Act) A double bed shall be provided for married couples if they request this arrangement and there are no medical contraindications.

c) There shall be additional pillows available to satisfactorily meet the needs of the residents.

d) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. (Section 2-103 of the Act)

e) THE FACILITY SHALL PROVIDE ADEQUATE STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. (Section 2-103 of the Act)

f) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. (Section 2-103 of the Act)

g) Each bedroom exterior window shall have a device (e.g. blinds, curtains, window shades) to ensure privacy and light control.

h) There shall be at least one privacy screen available in the facility for emergency use when resident privacy is needed.

i) There shall be no traffic through a resident's room to reach any other area of the building.

j) Residents over the age of six years occupying the same bedroom shall be of the same sex unless otherwise individually approved by the interdisciplinary team.

k) Each bedroom shall be provided with a mirror, unless there is a mirror in a bathroom opening into this bedroom. Each lavatory shall be provided with a mirror.

l) Each living room for resident use shall be provided with an adequate number of reading lamps, tables, and chairs or settees. These furnishings shall be well constructed and of satisfactory design to meet the needs of the residents.

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m) Dining room furnishings shall be provided for each resident that are well constructed, comfortable, in good repair, and of satisfactory design for the residents. There shall be a sufficient number of tables, of a type that can be used by wheelchair residents, to accommodate all such residents in the facility. A sufficient number of tables that can be rolled over the resident's bed or that can be placed next to the bed shall be provided for residents who cannot, or do not, eat in the dining room or area.

n) Office spaces, nurses' stations, treatment rooms, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets, benches, work tables, and other furnishings essential to the proper use of the area.

Section 340.2050 Equipment and Supplies
EMERGENCY

a) There shall be an adequate supply of nursing equipment to meet the needs of the residents.

b) There shall be a sufficient quantity of resident care equipment of satisfactory design and in good condition to meet each resident's needs.

c) A sufficient quantity of suction machines shall be provided to meet the needs of all residents who need suctioning.

d) According to the resident's needs, the facility shall assist the resident in obtaining special equipment for an individual resident's exclusive use.

e) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee.

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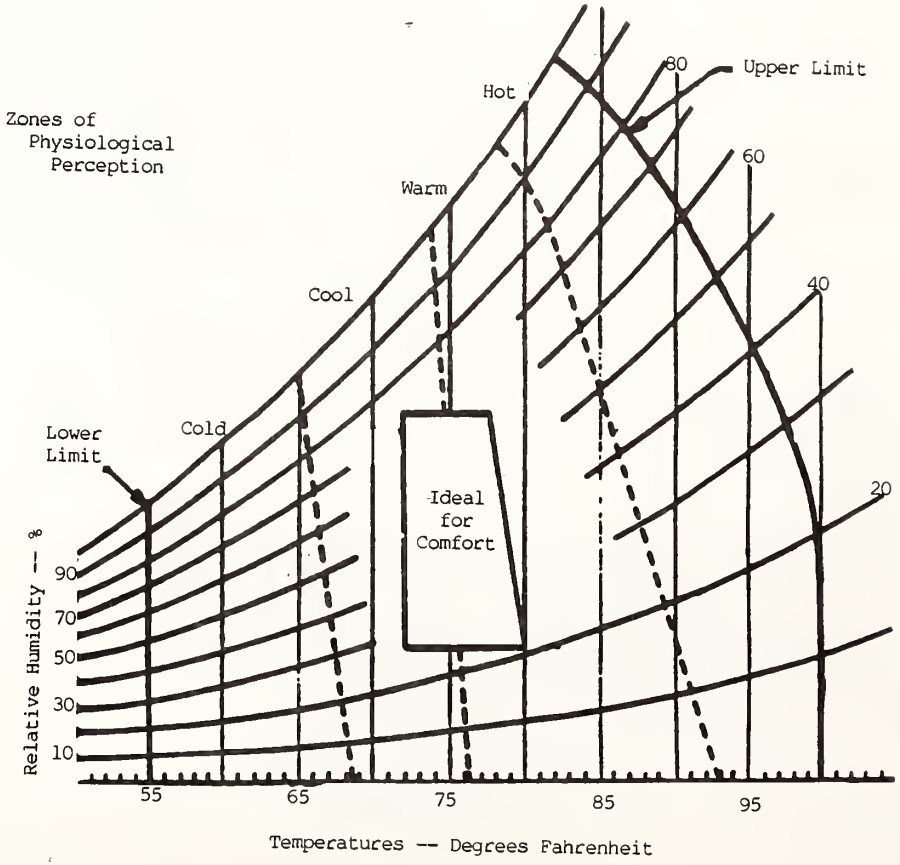
Section 340.Table A
EMERGENCY

Disaster Preparedness Parameters -- Relative Humidity and Temperature



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Section 340.TABLE B Guidelines for the Use of Various Drugs
EMERGENCY

A. Long-Acting Benzodiazepine Drugs

The following long-acting benzodiazepine drugs should not be used in residents unless an attempt with a shorter-acting drug (i.e., those listed under B. Benzodiazepine or Other Anxiolytic/Sedative Drugs, and under C. Drugs Used for Sleep Induction) has failed.

After an attempt with a shorter-acting benzodiazepine drug has failed, a long-acting benzodiazepine drug should be used only if:

1. Evidence exists that other possible reasons for the resident's distress have been considered and ruled out;
2. Its use results in maintenance or improvement in the resident's functional status;
3. Daily use is less than four continuous months unless an attempt at a gradual dose reduction is unsuccessful; and
4. Its use is less than, or equal to, the following listed total daily doses unless higher doses (as evidenced by the resident's response and/or the resident's clinical record) are necessary for the maintenance, or improvement in the resident's functional status.

LONG-ACTING BENZODIAZEPINES

Generic	Brand	Daily Oral Dosage
Flurazepam	(Dalmane)	15mg
Chlordiazepoxide	(Librium)	20mg
Clorazepate	(Tranxene)	15mg
Prazepam	(Centrax)	15mg
Diazepam	(Valium)	5mg
Clonazepam	(Klonopin)	1.5mg
Quazepam	(Doral)	7.5mg

NOTES: When diazepam is used for neuromuscular syndromes (e.g., cerebral palsy, tardive dyskinesia or seizure disorders), this guideline does not apply.

When long-acting benzodiazepine drugs are being used to withdraw residents from short-acting benzodiazepine drugs, this guideline does not apply.

When clonazepam is used in bi-polar disorders, management of tardive dyskinesia, nocturnal myoclonus or seizure disorders, this guideline does not apply.

The daily doses listed under Long-Acting Benzodiazepines are doses (usually administered in divided doses) for "geriatric" or "elderly" residents. The facility

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is encouraged to initiate therapy with lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it was necessary for the maintenance or improvement in the resident's functional status.

For drugs in this category, a gradual dose reduction should be attempted at least twice within one year before one can conclude that the gradual dose reduction is "clinically contraindicated."

B. Benzodiazepine or other Anxiolytic/Sedative Drugs

Use of the listed Anxiolytic/Sedative drugs for purposes other than sleep induction should only occur if:

1. Evidence exists that other possible reasons for the resident's distress have been considered and ruled out;
2. Use results in a maintenance or improvement in the resident's functional status;
3. Daily use (at any dose) is less than four continuous months unless an attempt at a gradual dose reduction is unsuccessful;
4. Use is for one of the following indications as defined by the Diagnostic and Statistical Manual of Mental Disorders (third edition - revised) or subsequent editions:
   Generalized anxiety disorder;
   Organic mental syndromes (including dementia) with associated agitated states which are quantitatively and objectively documented and which constitute sources of distress or dysfunction to the resident or represent a danger to the resident or others;
   Panic disorder;
   Symptomatic anxiety that occurs in residents with another diagnosed psychiatric disorder (e.g., depression, adjustment disorder); and
5. Use is equal to or less than the following listed total daily doses, unless higher doses (as evidenced by the resident response and/or the resident's clinical record) are necessary for the improvement or maintenance in the resident's functional status.

SHORT-ACTING BENZODIAZEPINES

Generic	Brand	Daily Oral Dosage
Lorazepam	(Ativan)	2mg
Oxazepam	(Serax)	30mg
Alprazolam	(Xanax)	0.75mg
Halazepam	(Paxipam)	40mg

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OTHER ANXIOLYTIC AND SEDATIVE DRUGS

Generic	Brand	Daily Oral Dosage
Buspirone HC1	(BuSpar)	30mg
Diphenhydramine	(Benadryl)	50mg
Hydroxyzine	(Atarax, Vistaril)	50mg
Chloral Hydrate	(Many Brands)	750mg

NOTES: The daily doses listed under Short-Acting Benzodiazepines are doses (usually administered in divided doses) for "geriatric" or "elderly" residents. The facility is encouraged to initiate therapy with lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it was necessary for the maintenance or improvement in the resident's functional status.

For drugs in this category, a gradual dose reduction should be attempted at least twice within one year before one can conclude that a gradual dose reduction is "clinically contraindicated."

Diphenhydramine, hydroxyzine and chloral hydrate are not necessarily drugs of choice for treatment of anxiety disorders. They are only listed here in the event of their potential use.

C. Drugs Used for Sleep Induction

Drugs used for sleep induction should only be used if:

1. Evidence exists that other possible reasons for insomnia (e.g., depression, pain, noise, light, caffeine) have been ruled out;
2. The use of a drug to induce sleep results in the maintenance or improvement of the resident's functional status;
3. Daily use of the drug is less than ten continuous days unless an attempt at a gradual dose reduction is unsuccessful;
4. The dose of the drug is equal or less than the following listed doses unless higher doses (as evidenced by the resident response and/or the resident's clinical record) are necessary for maintenance or improvement in the resident's functional status.

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HYPNOTIC DRUGS

Generic	Brand	Oral Dosage
Temazepam	(Restoril)	15mg
Triazolam	(Halcion)	0.125mg
Lorazepam	(Ativan)	1mg
Oxazepam	(Serax)	15mg
Alprazolam	(Xanax)	0.25mg
Halazepam	(Paxipam)	20mg
Diphenhydramine	(Benadryl)	25mg
Hydroxyzine	(Atarax, Vistaril)	50mg
Chloral Hydrate	(Many Brands)	500mg

NOTES: Diminished sleep in the elderly is not necessarily pathological.

The doses listed are doses for "geriatric" or "elderly" residents. The facility is encouraged to initiate therapy with lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it was necessary for the maintenance or improvement in the resident's functional status.

Diphenhydramine, hydroxyzine, and chloral hydrate are not necessarily drugs of choice for sleep disorders. They are listed here only in the event of their potential use.

For drugs in this category, a gradual dose reduction should be attempted at least three times within six months before one can conclude that a gradual dose reduction is "clinically contraindicated."

D. Miscellaneous Hypnotic/Sedative/Anxiolytic Drugs

The initiation of the following hypnotic/sedative/anxiolytic drugs should not occur in any dose for any resident. (See Notes for exceptions.) Residents currently using these drugs or residents admitted to the facility while using these drugs should receive gradual dose reductions as part of a plan to eliminate or modify the symptoms for which they are prescribed. A gradual dose reduction should be attempted at least twice within one year before one can conclude that the gradual dose reduction is clinically contraindicated. Newly admitted residents using these drugs may have a period of adjustment before a gradual dose reduction is attempted.

(Caution: The Rapid withdrawal of these drugs might result in severe physiological withdrawal symptoms.)

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BARBITURATES (EXAMPLES)

Generic	Brand
Amobarbital	(Amytal)
Butabarbital	(Butisol, others)
Pentobarbital	(Nembutal)
Secobarbital	(Seconal)
Phenobarbital	(Many Brands)
Amobarbitol-Secobarbital	(Tuinal)
Barbiturates with other drugs	(e.g., Fiorinal)

MISCELLANEOUS HYPNOTIC/SEDATIVE/ANXIOLYTICS

Generic	Brand
Glutethimide	(Doriden)
Methprylon	(Noludar)
Ethchlorvynol	(Placidyl)
Meprobamate	(Equinal, Miltown)
Paraldehyde	(Many Brands)

NOTES: Amobarbital is excepted from this Guideline when used as a single dose sedative for dental or medical procedures.

Phenobarbital is excepted from this Guideline when used in the treatment of seizure disorders.

When Miscellaneous Hypnotic/Sedative/Anxiolytic Drugs are used outside these Guidelines, they may be unnecessary drugs as a result of inadequate indications for use.

E. Antipsychotic Drugs

The following examples of antipsychotic drugs should not be used in excess of the listed doses for residents with organic mental syndromes (e.g., dementia, delirium) unless higher doses (as evidenced by the resident's response or the resident's clinical record) are necessary to maintain or improve the resident's functional status.

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ANTIPSYCHOTIC DRUGS FOR RESIDENTS WITH ORGANIC MENTAL SYNDROMES

Generic	Brand	Daily Oral Dosage
Chlorpromazine	(Thorazine)	75 mg
Promazine	(Sparine)	150 mg
Triflupromazine	(Vesprin)	20 mg
Thioridazine	(Mellaril)	75 mg
Mesoridazine	(Serentil)	25 mg
Acetophenazine	(Tindal)	20 mg
Perphenazine	(Trilafon)	8 mg
Fluphenazine	(Prolixin, Permitil)	4 mg
Trifluoperazine	(Stelazine)	8 mg
Chlorprothixene	(Taractan)	75 mg
Thiothixene	(Navane)	7 mg
Haloperidol	(Haldol)	4 mg
Molindone	(Moban)	10 mg
Loxapine	(Loxitane)	10 mg
Clozapine	(Clozaril)	50 mg
Prochlorperazine	(Compazine)	10 mg

NOTES: The doses listed are daily doses (usually administered in divided doses) for residents with organic mental syndromes. The facility is encouraged to initiate therapy with lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it is necessary for the maintenance or improvement in the resident's functional status.

The "specific conditions" for use of antipsychotic drugs are listed under this Guideline, item G.

The dose of prochlorperazine may be exceeded for short term (seven day) treatment of nausea and vomiting.

When antipsychotic drugs are used outside these Guidelines, they may be deemed unnecessary drugs as a result of excessive dose.

F. Monitoring for Antipsychotic Drug Side Effects

The facility assures that residents who are undergoing antipsychotic drug therapy receive adequate monitoring for significant side effects of such therapy with emphasis on the following:

1. Tardive dyskinesia;

2. Postural (orthostatic) hypotension;
3. Cognitive/behavior impairment;
4. Akathisia; and
5. Parkinsonism.

When antipsychotic drugs are used without monitoring for these side effects, they may be unnecessary drugs because of inadequate monitoring.

G. Use of Antipsychotic Drugs

Antipsychotic drugs should not be used unless the clinical record documents that the resident has one or more of the following "specific conditions":

1. Schizophrenia;
2. Schizo-affective disorder;
3. Delusional disorder;
4. Psychotic mood disorders (including mania and depression with psychotic features);
5. Acute psychotic episodes;
6. Brief reactive psychosis;
7. Schizophreniform disorder;
8. Atypical psychosis;
9. Tourette's disorder;
10. Huntington's disease;
11. Organic mental syndromes (including dementia and delirium) with associated psychotic and/or agitated behaviors:
    a. Which have been quantitatively (number of episodes) and objectively (e.g., biting, kicking, scratching) documented;
    b. Which are not caused by preventable reasons; and
    c. Which are causing the resident to:
        Present a danger to her/himself or to others,
        Continuously cry, scream, yell, or pace if these specific behaviors cause an impairment in functional capacity, or
        Experience psychotic symptoms (hallucinations, paranoia, delusions) not exhibited as dangerous behaviors or as crying, screaming, yelling, or pacing but which cause the resident distress or impairment in functional capacity; or
12. Short term (7 days) symptomatic treatment of hiccups, nausea, vomiting or pruritus.

Antipsychotics should not be used if one or more of the following is/are the only indication:
1. Wandering,
2. Poor self care,
3. Restlessness,
4. Impaired memory,
5. Anxiety,

6. Depression (without psychotic features),
7. Insomnia,
8. Unsociability,
9. Indifference to surroundings,
10. Fidgeting,
11. Nervousness,
12. Uncooperativeness, or
13. Agitated behaviors which do not represent danger to the resident or others.

As needed or P.R.N. antipsychotic drugs should only be used when the resident has a "specific condition" for which antipsychotic drugs are indicated (that is, points one through twelve above, and one of the following circumstances exists:

1. The as needed or P.R.N. dose is being used to titrate the resident's total daily dose up to achieve symptom relief, or down to avoid side effects, or down to effect a gradual dose reduction, or
2. The as needed or P.R.N. dose is being used to manage unexpected harmful behaviors that cannot be managed without antipsychotic drugs. Under this circumstance, a P.R.N. antipsychotic drug may be used no more than twice in any seven day period without an assessment of the cause for the resident's behavioral symptoms, and the development of a plan of care designed to attempt to reduce or eliminate the cause(s) for the harmful behavior.

H. Antipsychotic Drug Gradual Dose Reduction

Residents must, unless clinically contraindicated, have gradual dose reductions of the antipsychotic drug. The gradual dose reduction should be under close supervision. If the gradual dose reduction is causing an adverse effect on the resident and the gradual dose reduction is discontinued, documentation of this decision and the reasons for it should be included in the clinical record. Gradual dose reductions consist of tapering the resident's daily dose to determine if the resident's symptoms can be controlled by a lower dose or to determine if the dose can be eliminated altogether.

"Behavioral interventions" means modification of the resident's behavior or the resident's environment, including staff approaches to care, to the largest degree possible to accommodate the resident's behavioral symptoms.

"Clinically contraindicated" means that a resident with a "specific condition" (as listed in these Guidelines under item G,1-11) who has had a history of recurrence of psychotic symptoms (e.g., delusions, hallucinations) which have been stabilized with a maintenance dose of an antipsychotic drug without incurring significant side effects (e.g., tardive dyskinesia) should not receive gradual dose reductions. In residents with organic mental syndromes (e.g., dementia, delirium), "clinically contraindicated" means that a gradual dose reduction has been attempted twice in one year and that attempt resulted in the return of symptoms for which the drug was prescribed to a degree that

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a cessation in the gradual dose reduction, or a return to previous dose levels was necessary.

I. Exceptions to These Guidelines

The facility shall have the opportunity to provide a rationale for the use of drugs prescribed outside these Guidelines. The facility may not justify the use of a drug prescribed outside these Guidelines solely on the basis of "the doctor ordered it." The rationale must be based on sound risk-benefit analysis of the resident's problem and potential adverse effects of the drug.

The unnecessary drug criterion of "adequate indications for use" does not simply mean that the physician's order must include a reason for using the drug (although such order writing is encouraged). It means that the resident lacks a valid clinical reason for use of the drug as evidenced by the evaluation of some, but not necessarily all, of the following: resident assessment, plan of care, reports of significant change, progress notes, laboratory reports, professional consults, drug orders, observation and interview of the resident, and other information.

In determining whether an antipsychotic drug is without a "specific condition" or that "gradual dose reduction and behavioral interventions" have not been performed, the facility shall justify why using the drug outside these Guidelines is in the best interest of the resident.

Examples of evidence that would support a justification of why a drug is being used outside these Guidelines but in the best interests of the resident may include, but are not limited to:

1. A physician's note indicating, for example, that the dosage, duration, indication, and monitoring are clinically appropriate, and the reasons why they are clinically appropriate; this note should demonstrate that the physician has carefully considered the risk/benefit to the resident in using drugs outside these Guidelines;
2. A medical or psychiatric consultation or evaluation (e.g., Geriatric Depression Scale) that confirms the physician's judgment that use of a drug outside those Guidelines is in the best interest of the resident;
3. Physician, nursing, or other health professional documentation indicating that the resident is being monitored for adverse consequences or complications of the drug therapy;
4. Documentation confirming that previous attempts at dosage reduction have been unsuccessful;
5. Documentation (such as MDS documentation) showing resident's subjective or objective improvement, or maintenance of function while taking the medication;
6. Documentation showing that a resident's decline or deterioration is evaluated by the interdisciplinary team to determine whether a particular drug, or a particular dose, or duration of therapy, may be the cause;
7. Documentation showing why the resident's age, weight, or other factors would require a unique drug dose or drug duration, indication, monitoring.
8. Other evidence which may be appropriate.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of Part: Licensing Standards for Foster Family Homes

Code Citation: 89 Ill Adm Code 402

Section Numbers: 402.7

Date Originally Published in the Illinois Register: 6/3/94
18 Ill Reg 8481

At its meeting on June 14, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DCFS seek an amendment to the Child Care Act of 1969, which allows child care facilities to hire employees on a probationary basis pending the results of criminal background results, to clearly extend this authority to permit applicant foster families to also receive placement of children pending the results of the criminal background check. Foster family homes are classified as a type of child care facility under the Act, and specific authority exists for DCFS to place children in facilities while criminal background check results on "employees" are pending. It is questionable whether the term "employee" would embrace potential foster parents.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of Part: Illinois Architecture Practice Act of 1989

Code Citation: 68 Ill Adm Code 1150

Section Numbers: 1150.10 1150.20
1150.85 1150.Appendix A

Date Originally Published in the Illinois Register: 7/23/93
17 Ill Reg 11337

At its meeting on June 14, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Board and the Department attempt to define which construction elements involve life safety and propose further legislation or rulemaking to clarify the issue.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of Part: Postsurgical Recovery Care Center Demonstration Program Code

Code Citation: 77 Ill Adm Code 210

Section Numbers: 210.1800(a)(2)(B) 210.1800(a)(2)(D)
210.1800(a)(2)(H) 210.2900

Date Originally Published in the Illinois Register: 12/31/93
17 Ill Reg 22333

At its meeting on June 14, 1994, the Joint Committee on Administrative Rules objected the above cited rulemaking because:

Section 210.1800(a)(2)(B) - DPH has no statutory authority for limiting admissions to those patients who are 3 years of age or older.

Section 210.1800(a)(2)(D) - DPH has, contrary to legislative intent, excluded all patients but those who fall into anesthesia classes I and II from being admitted to the postsurgical recovery care centers.

Section 210.1800(a)(2)(H) - DPH has, contrary to legislative intent, excluded patients who will require the administration of blood or blood products.

Section 210.2900 - DPH's requirements that all postsurgical recovery care centers in hospitals or ambulatory surgical treatment centers built after 1/1/94 be built to Hospital Licensing Standards, i.e., with 3-hour fire resistive construction: imposes an undue economic burden upon ambulatory surgical treatment centers that normally build recovery care centers under the 1- to 2-hour fire resistive construction ratings for Ambulatory Surgical Treatment Centers (ASTCs) and impedes implementation of a statute that clearly intends some post-surgical recovery centers to be housed in ASTCs.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

SECRETARY OF STATE

Heading of Part: Cancellation, Revocation or Suspension of Licenses or Permits

Code Citation: 92 Ill Adm Code 1040

Section Numbers: 1040.35

Date Originally Published in the Illinois Register: 2/18/94
18 Ill Reg 2608

At its meeting on June 14, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Secretary of State initiate legislation to clarify within 625 ILCS 5/6-205 and 6-206, the Secretary's revocation and suspension authority, statutory authority for taking action against driver's licenses for violations of municipal ordinances that are similar to violations of the Illinois Vehicle Code.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF CORRECTION TO NOTICE ONLY

1) The Heading of the Part: Affordable Housing Bond Program

2) Code Citation: 47 Ill. Adm. Code 365

3) The Notice of Adopted Rules correctly appeared at 18 Ill. Reg. 8633, dated June 10, 1994.

4) The information being corrected is as follows:

The third page of the Notice of Adopted Rules was inadvertently not printed.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Affordable Housing Bond Program

2) Code Citation: 47 Ill. Adm. Code 365

3)

Section Numbers:	Adopted Action:
365.101	New Section
365.102	New Section
365.103	New Section
365.104	New Section
365.105	New Section
365.106	New Section
365.107	New Section
365.108	New Section
365.109	New Section
365.110	New Section
365.111	New Section
365.112	New Section
365.113	New Section
365.114	New Section
365.115	New Section
365.201	New Section
365.202	New Section
365.203	New Section
365.204	New Section
365.301	New Section
365.302	New Section
365.303	New Section
365.304	New Section
365.305	New Section
365.401	New Section
365.402	New Section
365.403	New Section
365.404	New Section
365.405	New Section
365.501	New Section
365.502	New Section
365.503	New Section
365.504	New Section
365.505	New Section
365.506	New Section
365.507	New Section
365.508	New Section
365.601	New Section
365.602	New Section
365.603	New Section
365.604	New Section
365.701	New Section
365.702	New Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

365.703	New Section
365.704	New Section
365.801	New Section
365.901	New Section
365.1001	New Section
365.1002	New Section
365.1101	New Section
365.1102	New Section
365.1103	New Section
365.1104	New Section
365.1201	New Section
365.1202	New Section
365.1203	New Section
365.1204	New Section
365.1205	New Section

4) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

5) Effective Date of Rules:

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 22, 1993

9) Notice of Proposal published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 956/1596

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Pursuant to memorandum from Administrative Code Division dated March 15, 1994 and the Agreement Letter between JCAR and the Authority, the Authority made a series of substantive, technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: These proposed rules create a statewide program that creates and retains affordable housing for low-income and very low-income households.

16) Information and questions regarding these adopted rule shall be directed to:

Name: Janet Winningham, Esq.
Address: 401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611
Telephone: (312)836-5308

The full text of the Adopted Rules begin on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part: Nonpublic Special Education Facilities

2) Code Citation: 23 Ill. Adm. Code 401

3) Register Citation to Notice of Proposed Rules:

4) Date, Time and Location of Public Hearing:

July 15, 1994	July 20, 1994
9:00 a.m.	9:00 a.m.
State Board of Education	Fairmont Hotel
Auditoriums B, C, and D (2nd Floor)	Gold Room (2nd Floor)
100 North First Street	200 North Columbus
Springfield, Illinois	Chicago, Illinois

5) Other Pertinent Information: None.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Education, State Board of

Heading of the Part: Driver Education

Code Citation: 23 Ill. Adm. Code 252

Sections Involved: 252.20 252.25 252.30

Notice of Proposal Published in Illinois Register: June 10, 1994

Statutory Authority: 105 ILCS 5/27-23 and 27-24, as amended by P.A. 88-188, effective January 1, 1994.

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the proposed rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 14, 1994 through June 20, 1994, and have been scheduled for review by the Committee at its July 19, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/30/94	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	7/30/93 17 Ill Reg 11993	7/19/94
7/30/94	Department of Revenue, Real Estate Transfer Tax (86 Ill Adm Code 120)	2/4/94 18 Ill Reg 1789	7/19/94
8/3/94	Environmental Protection Agency, Licensing of Industrial Hygienists (35 Ill Adm Code 184)	1/7/94 18 Ill Reg 4	7/19/94

94-5
REVOCATION OF EXECUTIVE ORDER NUMBER 7 (1985)

Whereas, Executive Order Number 7 (1985) requires Illinois Executive Agencies to consult with the Department of Conservation concerning the impact of capital projects conducted or funded by them on species of plants or animals listed as endangered or threatened and natural areas designated by the Department of Conservation; and

Whereas, since the issuance of this Executive Order, Public Act 84-1065, which added Section 11 to the Illinois Endangered Species Protection Act, 520 ILCS 10/1 et seq. became law; and

Whereas, I signed Public Act 88-139, which amended Section 17 of the Illinois Natural Areas Preservation Act, 525 ILCS 30/1 et seq.; and

Whereas, these two statutes create an endangered species and natural areas consultation process with the Department of Conservation which extends far greater protection than does the consultation process established under Executive Order Number 7;

Therefore, in order to eliminate any confusion which may result from the simultaneous existence of Executive Order Number 7 (1985) and Public Acts 84-1065 and 88-139, and thereby furthering the vitally important public policy of protecting Illinois' precious natural resources, I order the following:

1. Executive Order Number 7 (1985) is hereby revoked.

2. All the Executive Agencies of Illinois are ordered to fully cooperate with the Department of Conservation to ensure that the requirements of Public Acts 84-1065 and 88-139 are vigorously and faithfully implemented.

Issued by the Governor June 17, 1994.

Filed with the Secretary of State June 17, 1994.

94-310
WORLD CUP DAYS

Whereas, the State of Illinois and the City of Chicago have been chosen to host the World Cup USA '94 soccer games on their first visit to the United States in 60 years of World Cup history; and

Whereas, Chicago will host five of the 52 World Cup Games which will begin with the opening game on June 17 and end with the Round of 16 match on July 2; and

Whereas, the Illinois Bureau of Tourism will open its visitors center on June 14, 1994, "Illinois Welcomes the World Day." The visitors center is sponsored by Sears and will be open through July 2, 1994. It is located at the James R. Thompson Center and will offer information on World Cup events and Illinois recreation, hotels, and entertainment; and

Whereas, more than 3.5 million spectators are expected to attend the event, 60,000-100,00 of which are expected to be international visitors; and

Whereas, these visitors will have the opportunity to enjoy the World Cup games and the many off-the-field events that the Chicago Host Committee have planned from June 10-July 2, as well as the

change to visit the many historical sites, intriguing attractions and sporting events that Illinois has to offer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14-July 2, 1994, as WORLD CUP DAYS in Illinois.

Issued by the Governor June 8, 1994.

Filed with the Secretary of State June 17, 1994.

94-311
AMERICAN JEWISH COMMITTEE HUMAN RIGHTS MEDALLION DAY

Whereas, the American Jewish Committee will hold its 30th annual Human Rights Medallion Award Dinner on June 23; and

Whereas, the award will be presented to Joan and Stanley Golder for their work not only with the American Jewish Committee but with the entire community; and

Whereas, since 1963, the Human Rights Medallion has gone annually to leading Chicago citizens who have stood for the goals that have shaped the American Jewish Committee since it was established -- human rights and equal opportunity for all and constructive relations between America's many religious, ethnic, and racial communities; and

Whereas, the American Jewish Committee is a not-for-profit agency founded in 1906 to combat bigotry and anti-Semitism and to promote human rights for all by defending democratic values in American public policy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23, 1994, as THE AMERICAN JEWISH COMMITTEE HUMAN RIGHTS MEDALLION DAY in Illinois.

Issued by the Governor June 10, 1994.

Filed with the Secretary of State June 17, 1994.

94-312
ELEVATOR SAFETY WEEK

Whereas, the public safety and well-being of the millions of people in the United States who ride public elevators rest in the expertise of the dedicated members of the National Association of Elevator Safety Authorities, which was organized in 1966; and

Whereas, the National Association of Elevator Safety Authorities is composed of chief elevator inspector in cities and towns throughout the United States and is respected worldwide for its dedication to safety; and

Whereas, the purpose of the NAESA is to promote the safety of life and property by maintaining uniformity in the construction, installation and repair of elevators, escalators and other related equipment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 7-13, 1994, as ELEVATOR SAFETY WEEK in Illinois.

Issued by the Governor June 10, 1994.

Filed with the Secretary of State June 17, 1994.

94-313
TUSKEGEE AIRMEN WEEK

Whereas, history records the heroic courage of the Tuskegee Airmen in securing an preserving the ideals of democracy; and

Whereas, due to the racial prejudice and segregation that prevailed during World War II, a training complex for African-American aviators was established near Tuskegee, Alabama. On July 19, 1941, the first flying cadets began their primary training and were inducted into the Army Flying School; and

Whereas, 450 African-American pilots under the command of Col. Benjamin O. Davis, Jr. fought in the aerial war over North Africa, Sicily, and Europe flying 15,533 sorties and 1,578 completed missions; and

Whereas, the Tuskegee Airmen beat the odds and proved that African-Americans could fly and perform with distinction in combat, thereby providing inspiration for decades of African-Americans as role models of courage and determination; and

Whereas, today, the 1,700-member Tuskegee Airmen, Inc., with chapters throughout the United States, is striving to build a better America through its nation-wide youth programs and scholarship fund; and

Whereas, the 23rd National Convention of Tuskegee Airmen, Inc. will be held on August 1-7, 1994, with the theme, "From These Roots, Build Tomorrow";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1-7, 1994, as TUSKEGEE AIRMEN WEEK in Illinois and urge the citizens of our state to take cognizance of this event and participate in its observance.

Issued by the Governor June 10, 1994.

Filed with the Secretary of State June 17, 1994.

94-314

BLACK EXPO WEEK

Whereas, in 1993, Black Expo Chicago attracted approximately 100,000 Illinois residents and visitors from neighboring states; and

Whereas, Black Expo Chicago brings together majority, minority, and African-American consumers, affording each an opportunity to have direct interface with the others for a common advantage; and

Whereas, Black Expo Chicago 1994 will be held July 8-10 at McCormick Place. The event will provide an array of interesting, impactful, and educational activities to enrich and enlighten African-Americans of varying lifestyles; and

Whereas, Black Expo Chicago attendees will receive information on economics, business, education, health care, and job placement via seminars, demonstrations, and lectures;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 8-10, 1994, as BLACK EXPO WEEK in Illinois and urge citizens to be cognizant of the activities planned for the exposition.

Issued by the Governor June 13, 1994.

Filed with the Secretary of State June 17, 1994.

94-315

DINNER OF CHAMPIONS DAY

Whereas, multiple sclerosis (MS) is a neurological disease affecting the central nervous system, including the brain and the spinal cord; and

Whereas, MS is the number one disabling disease affecting young adults. Its victims are usually between the ages of 20 and 40; and

Whereas, the National Multiple Sclerosis Society, a voluntary health agency, was established in 1945 when a small group of patients and their families joined together to overcome this perplexing disease of the central nervous system; and

Whereas, on July 7, 1994, Chicago area business and civic leaders will join the Chicago-Greater Illinois Chapter in hosting a "Dinner of Champions" to honor people and organizations who have shown outstanding humanitarian endeavors and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 7, 1994, as DINNER OF CHAMPIONS DAY in Illinois.

Issued by the Governor June 14, 1994.

Filed with the Secretary of State June 17, 1994.

94-316

JOE CLAIR DAY

Whereas, Joe Clair served the Hotel Employees and Restaurant Employees International Union for 21 years. He was first hired as an accountant and finished his career as the administrative assistant to the General President; and

Whereas, he has diligently worked to protect workers' rights, to promote justice in the workplace, and to seek fair wages and health care benefits; and

Whereas, through his work with the unions, Joe Clair has been effective in raising funds for Miles College Seminary, Maryville Academy, Miserecordia, and the Shriners' Children's Hospital; and

Whereas, Joe grew up on the south side of Chicago. He has three children, Bill, Meghan, and Pat. He also has two grandchildren, Loretta and Emmett, and is expecting a third soon; and

Whereas, Joe has announced his retirement, effective June 30, 1994, and will celebrate this event on June 18;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 18, 1994, as JOE CLAIR DAY in Illinois.

Issued by the Governor June 13, 1994.

Filed with the Secretary of State June 17, 1994.

94-317

MELVIN PRICE LOCKS AND DAM DAY

Whereas, the Melvin Price Locks and Dam is a vital link in the inland waterway navigation system that creates and supports jobs and economic opportunities for cities and states on the Upper Mississippi River and Illinois Waterway; and

Whereas, inland waterway transportation is the safest and most environmentally responsive mode for shipping bulk commodities and

saves our nation $1 billion annually; and

Whereas, when completed in 1994, the Melvin Price Locks and Dam will be the largest locks and dam project on the Mississippi River/Illinois Waterway system; and

Whereas, inland waterway navigation and the industries it supports generate $14 billion in economic activity and more than $700 million in federal, state, and local tax receipts and directly accounts for 195,000 jobs; and

Whereas, construction of the Melvin Price Locks and Dam enabled the U.S. Army Corps of Engineers to develop a riverlands demonstration area, 1,200 acres of restored wetlands, and other environmental initiatives, establishing the corps as a leader in habitat management; and

Whereas, rivers offer excellent recreational and tourism opportunities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 18, 1994, as MELVIN PRICE LOCKS AND DAM DAY in Illinois.

Issued by the Governor June 13, 1994.

Filed with the Secretary of State June 17, 1994.

94-318

SPAIN DAY

Whereas, more than 200 performers from Spain have come to Illinois to entertain our citizens and educate them on the culture, history, and beauty of Spain; and

Whereas, these performers are celebrating Spain Day at Daley Plaza by bringing music and entertainment to downtown Chicago; and

Whereas, bringing this international flavor to Illinois during the World Cup raises the excitement that all Illinoisans have as we host the World Cup for the first time; and

Whereas, the fun-filled experiences of the performers and their audiences will encourage more international visitors to visit Illinois and more Illinoisans to visit Spain; and

Whereas, the Tourist Office and Commercial Office of Spain have sponsored these performances in addition to other free events for the people of Illinois in order to bring the sights, sounds, tastes, and color of Spain to our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1994, as SPAIN DAY in Illinois.

Issued by the Governor June 13, 1994.

Filed with the Secretary of State June 17, 1994.

94-319

AGNES C. KAZMARK DAY

Whereas, the workforce of the United States of America is gradually aging; and

Whereas, it will become increasingly important for able Americans to continue to serve as productive members of the workforce beyond the customary age of retirement; and

Whereas, older members of the workforce bring unequalled experience and dedication that serves to strengthen and enhance the work of younger, less experienced workers; and

Whereas, the organization Operation ABLE seeks to recognize those older members of the workforce who continue to land their expertise and experience to their place of work and the economy; and

Whereas, on June 17, Operation ABLE will honor Agnes C. Kazmark as the recipient of the Claude C. Pepper Distinguished Service Award for her 55 years of service as a legal secretary in the Chicago law firm of Wilson & McIlvaine; and

Whereas, Ms. Kazmark is an example of selfless hard work to those aging members and younger members of the workforce; and

Whereas, Ms. Kazmark has decided to retire on June 21, 1994, at the age of 94;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 17, 1994, as AGNES C. KAZMARK DAY in Illinois.

Issued by the Governor June 15, 1994.

Filed with the Secretary of State June 17, 1994.

94-320

STATE BOARD OF ELECTIONS CONGRATULATED

Whereas, the Illinois State Board of Elections will celebrate its 20th anniversary on June 17, 1994, at a special dinner commemorating the event; and

Whereas, the Board is the state's constitutional agency mandated to supervise the conduct of elections in Illinois; and

Whereas, the Board has consistently demonstrated the highest level of commitment and expertise in maintaining and improving the efficiency and integrity of the electoral process in Illinois during the past 20 years; and

Whereas, the Board enjoys an excellent reputation among its sister agencies in other states as well as by the Federal Election Commission;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim and offer my sincere congratulations and appreciation to the former and present members of the State Board of Elections, as well as its staff, for 20 years of outstanding services to the citizens of this state.

Issued by the Governor June 15, 1994.

Filed with the Secretary of State of June 17, 1994.

94-321

ART IN THE LONG TERM CARE COMMUNITY DAY

Whereas, through the month of July, the Illinois Council on Long Term Care is sponsoring the Everlasting Expressions Art Exhibition, featuring artwork from nursing home residents across the State of Illinois, at the Chicago Department on Aging's Renaissance Court Gallery in the Chicago Cultural Center; and

Whereas, the featured resident artists will be honored for their talents at a gallery opening and award reception at the Chicago Cultural Center on July 7th; and

Whereas, this art exhibition celebrates the many successful ways that nursing home art therapy programs have promoted the resident's artistic abilities and have fostered their self-esteem

and sense of accomplishment; and

Whereas, the exhibition showcases the nursing home residents' impressive artistic creations, revealing an outlet for expressing their creative energies and unique visions of life; and

Whereas, Illinois' nursing homes, through activities such as art therapy programs, are continually striving to maximize the residents' physical and psychological well-being, providing them opportunities to be active and sustaining their continued involvement with the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 7, 1994, as ART IN THE LONG TERM CARE COMMUNITY DAY in Illinois and I congratulate all of those involved with this art exhibition on their successful efforts to add to the quality of life of our nursing home residents.

Issued by the Governor June 16, 1994.

Filed with the Secretary of State June 17, 1994.

94-322

BLOOD DONOR AWARENESS MONTH

Whereas, the State of Illinois set aside August as Blood Donor Awareness Month to express gratitude to all blood donors. These silent heroes unselfishly help save lives with each blood donation; and

Whereas, Blood Donor Awareness Month has also been established to encourage other healthy citizens to join the ranks of blood donors and to give of themselves generously; and

Whereas, blood donors are needed daily to provide for patients suffering from cancer, leukemia, severe anemia, joint replacements, and heart disease; for people receiving organ transplants; and for daily use in emergency rooms around the state; and

Whereas, an adequate supply of every blood type must be available at all times to meet the needs of patients in our communities and in the State of Illinois; and

Whereas, giving blood is a safe, healthy activity that helps save lives;

Therefore, I, Jim Edgar, Governor of the State of IIlinois, proclaim August 1994 as BLOOD DONOR AWARENESS MONTH in Illinois.

Issued by the Governor June 16, 1994.

Filed with the Secretary of State June 17, 1994.

94-323

HEMOCHROMATOSIS SCREENING AWARENESS MONTH

Whereas, hemochromatosis, a genetic disorder of iron metabolism, is not only the most common genetic disorder but is probably the only genetic disorder which, if diagnosed early and appropriately treated, is compatible with a healthy and full life span; and

Whereas, estimates indicate that 1.5 million Americans are affected with hemochromatosis, most of whom remain undiagnosed, and that an additional 25 to 30 million Americans are carriers; and

Whereas, if undiagnosed, the accumulating iron damages vital organs and joints resulting in one or more complications, such as

liver cirrhosis and cancer, heart irregularities and failure, diabetes, decreased libido, premature menopause, disabling arthritis, osteoporosis, and premature death; and

Whereas, early symptoms are vague and the Hemochromatosis Foundation urges routine screening for the disorder;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1994 as HEMOCHROMATOSIS SCREENING AWARENESS MONTH in Illinois.

Issued by the Governor June 16, 1994.

Filed with the Secretary of State June 17, 1994.

94-324

HISPANIC HERITAGE MONTH

Whereas, Illinois' Hispanic-American population continues to grow significantly and contributes greatly to the economic, cultural, and civic prosperity of our state; and

Whereas, Hispanic-Americans have demonstrated their dedication to the ideals and principles upon which the United States was founded; and

Whereas, the countries of Brazil, Bolivia, Mexico, Nicaragua, Spain, Guatemala, Honduras, Chile, Costa Rica, and El Salvador celebrate independence days or national holidays between September 15 and October 15; and

Whereas, Congress approved a Joint Resolution September 17, 1968, requesting and authorizing the president to annually issue a proclamation designating the one month period from September 15 to October 15 as National Hispanic Heritage Month;

Issued by the Governor June 16, 1994.

Filed with the Secretary of State June 17, 1994.

94-325

LINCOLN LAND COMMUNITY COLLEGE LOGGERS DAY

Whereas, the State of Illinois and the City of Springfield are proud of the National Boys Baseball Champions from Lincoln Land Community College who came from behind in the ninth inning to beat Henry Ford College of Dearborn, Michigan, 12 to 11 on Friday, May 27; and

Whereas, this impressive win capped a successful season of 38 - 12 and gave Lincoln Land its first national championship; and

Whereas, Coach Claude Kracik has coached the Lincoln Land team for 25 years and in that time has won 650 games, including the Region 24 and the Great Lakes District C Championships this year; and

Whereas, Coach Kracik was recognized for his superb coaching ability, being named the National Junior College Athletic Association's Coach of the Year for 1994; and

Whereas, team members Mike Angeli, Bill Antonacci, Mike Bice, Phil Bigard, Ryan Crawford, Andy Danner, Kris Detmer, Theo Fefee, Justin Goodwin Brian Graham, Sean Moser, Ron Packingham, Pat Riordan, Jeff Schmohe, Greg Seiders, Kevin Therien, Jeremy Walk, Matt Welch and Kyle Zellers, as well as Assistant Coaches Bruce Richard and Ron Riggle, Jr., statistician Jeff Fitch and trainer

Pete Stoll, should also be commended for their contributions to this winning effort;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16, 1994, as LINCOLN LAND COMMUNITY COLLEGE LOGGERS DAY in Illinois and urge all Illinoisans to remember their tremendous accomplishments.

Issued by the Governor June 16, 1994.

Filed with the Secretary of State June 17, 1994.

ACTION CODES

A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
RQ - Request for Correction
EC - Expedited Corrections
P - Proposed Rule
PF - Prohibited Filing Order by JCAR (Joint Committee on Rules)
PP - Peremptory or Court Ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR Objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR Objections

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-14225/93;A-609)(E-5355)(P-5027)
89 Ill. Adm. Code 260	Long-Term Care Insurance Partnership Demonstration Program (P-3802;A-9895)
89 Ill. Adm. Code 230	Older Americans Act Program (P-5720)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 30	Animal Control Act (P-8972)
8 Ill. Adm. Code 110	Animal Diagnostic Act (P-14717/93;A-1825)(P-8981)
8 Ill. Adm. Code 25	Animal Welfare Act (P-8993)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-14728/93;A-1833)
8 Ill. Adm. Code 257	Cooperative Groundwater Protection Program (P-14288/93; A-205)
8 Ill. Adm. Code 20	Definitions (P-14793;A-1844)
8 Ill. Adm. Code 85	Diseased Animals (P-14747/93;A-1850)
8 Ill. Adm. Code 116	Equine Infectious Anemia Control (P-14761/93;A-1861)
68 Ill. Adm. Code 590	Feeder Swine Dealer Licensing (P-14765/93;A-1865)
68 Ill. Adm. Code 70	Horsemeat (P-9003)
8 Ill. Adm. Code 35	Humane Care for Animals Act (P-9008)
8 Ill. Adm. Code 50	Human Slaughter of Livestock (P-9011)
8 Ill. Adm. Code 110	Illinois Dead Animal Disposal Act (P-9027)
8 Ill. Adm. Code 270	Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164;A-9400)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-14769/93;A-1869)
68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)
8 Ill. Adm. Code 125	Meat and Poultry Inspection Act (PP-304)(PP-2164) (P-3809;A-4622)(PP-6442)(PP-8493)(P-
8 Ill. Adm. Code 515	Refridgerated Warehouse Act (P-9033)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-14781/93;A-1880)
8 Ill. Adm. Code 600	Weights and Measures Act (E-4426)(A-8519)

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77 Ill. Adm. Code 2090	Subacute Alcoholism and Substance Abuse Treatment Services (P-5029)(C-8731)

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14 Ill. Adm. Code 200	Franchise Disclosure Act (PP-2522)

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2 Ill. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404)(AR-6440)
2 Ill. Adm. Code 601	Freedom of Information (A-7739)

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56 Ill. Adm. Code 6000	Carnival and Amusement Park Inspection Law (P-6040)

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44 Ill. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
80 Ill. Adm. code 302	Merit & Fitness (P-14788/93;A-1892)

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80 Ill. Adm. Code 310 Pay Plan (P-13657/93;P-14314;A-227;A-1107)(P-21233/93;A-5146)(PP-9562)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (A-3115)

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89 Ill. Adm. Code 325 Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765)
89 Ill. Adm. Code 434 Audits, Reviews and Investigations (P-7115/93;A-6697)(P-8777)(E-8944)
89 Ill. Adm. Code 385 Background Checks (P-8219)
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89 Ill. Adm. Code 358 Background Inquiry for Purchase of Service Providers (PR-8786)
89 Ill. Adm. Code 305 Client Service Planning (P-6467)
89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-7554)(CC-7951)
89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
89 Ill. Adm. Code 437 Department of Children and Family Services Employees Conflict of Interest (P-7539)
89 Ill. Adm. Code 384 Discipline & Behavoir Management in Child Care Facilities (E-8474)(P-8528)
89 Ill. Adm. Code 314 Educational Services (P-17593/93; A-8366)
89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683)(P-11964/93;A-5531)
89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-8237;RC-10499)(E-8481)
89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700)(P-11976/93;A-5540)
89 Ill. Adm. Code 335 Relative Home Placements (P-6681/93;A-7444)
89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-18271/93;A-8377)(P-8240)(P-15218/93;A-8601)

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80 Ill. Adm. Code 250 State Universities Civil Service System (P-18453/93;A-1901)

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92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630/93;A-1914)
83 Ill. Adm. Code 792 Imputation (P-11988/93;A-1919)
83 Ill. Adm. Code 790 Interconnection (P-19354/93/A-6147)
83 Ill. Adm. Code 535 Least-Cost Planning for Natural Utilities (PR-6081)
83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
83 Ill. Adm. Code 770 Operator Service Providers (P-6099)
83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93;A-676; M-795)
83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918) (P-6382/93;A-6160)
83 Ill. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483;A-4146) (P-6386/93;A- 6164)
92 Ill. Adm. Code 1236 Reinstatement of Revoked Operating Authority (P-8635/93;A-1924)
92 Ill. Adm. Code 1710 Relocation Towing (P-21257/93;A-8609)
83 Ill. Adm. Code 200 Rules and Practices (P-22117/93;A-7748)
83 Ill. Adm. Code 285 Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723)
83 Ill. Adm. Code 425 Uniform Electric Fuel Adjustment (P-4483)
92 Ill. Adm. Code 1375 Uniform System of Accounts (P-8635/93;A-1927)
83 Ill. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937)(P-4490)
83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-946)

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47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-15747/93;A-5163)
14 Ill. Adm. Code 520 Enterprise Zone Program (P-9791/93;A-5172)
14 Ill. Adm. Code 510 Ill. Promotion Act Programs (P-14318/93;A-5813)(P-21905/93;A-8387)
14 Ill. Adm. Code 570 Illinois Small Business Development Program (P-21123/93;A-6112)
56 Ill. Adm. Code 509 Industrial Training Program (P-20063/93;RQ-6022)
14 Ill. Adm. Code 620 Labor Management Program (P-9667)
83 Ill. Adm. Code 772 Pay-Per-Call Services (P-7156)

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14 Ill. Adm. Code 610 Public Infrastructure Loan & Grants Programs (P-19352/93;A-8398)
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-805;A-9902)
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (CC-9934)
14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-839;A-8415)
56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855;A-9935)

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38 Ill. Adm. Code 380 Eligible State Bank (P-19347/93;A-4630)

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38 Ill. Adm. Code 1075 Savings Bank Act (E-7016)(P-

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23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College (P-569;A-8906)

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47 Ill. Adm. Code 700 By-laws (P-4530/93;A-5826)

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38 Ill. Adm. Code 610 Ill. Funeral or Burial Funds Act (P-7168)
74 Ill. Adm. Code 275 Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664;A-7754)(E-2119)

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17 Ill. Adm. Code 130 Camping on Department of Conservation Properties (P-18721/93;A-1126)
17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)
17 Ill. Adm. Code 850 Commercial Fishing in Lake Michigan (P-22123/93;A-5834)
17 Ill. Adm. Code 830 Commercial Fishing and Musseling in Certain Waters of the State (E-4761)(P-5372;A-9985)
17 Ill. Adm. Code 2520 Consignment of Licenses & Stamps (P-3821;A-9991)
17 Ill. Adm. Code 740 Crow, Woodcock, Snipe, Rail, and Teal Hunting (P-3986;A-9998)
17 Ill. Adm. Code 730 Dove Hunting Season (P-3830;A-10009)
17 Ill. Adm. Code 590 Duck, Goose and Coot Hunting (P-5065;A-10023)
17 Ill. Adm. Code 1590 Falconry & Captive Propogation of Raptors (P-9039)
17 Ill. Adm. Code 910 Field Trials on Department-Owned Managed Sites (P-3846)
2 Ill. Adm. Code 826 Freedom of Information (A-8616)
17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-16273/93;A-1134)
17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-16285/93;A-1142)
17 Ill. Adm. Code 3010 Illinois Snowmobile Grant Program (P-5379;A-10066)
17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (P-3853;A-10077)
17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-1;A-5838)
17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868;A-10090)
17 Ill. Adm. Code 4010 Register of Land & Water Reserves (P-578)
17 Ill. Adm. Code 810 Sport Fishing Regulations for the Waters of Illinois (P-19785/93;A-3277)(E-5667)(P-6202)
17 Ill. Adm. Code 690 Squirrel Hunting (P-3193;A-8624)
17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156)(E-3751)
17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season, The (P-3884;A-10104)
17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season, The (P-3895;A-10113)
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)
17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-21927/93;A-5859)(P-7180)
17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-21952/93;A-5878)(P-7183)

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20 Ill. Adm. Code 460 Impact Incarceration Program (P-19371/93;A-2933)
20 Ill. Adm. Code 107 Records of Committed Persons (P-19377/93;A-2939)
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20 Ill. Adm. Code 1570 Fees for Processing Requests for Conviction Information (P-21136/93;A-4679)
20 Ill. Adm. Code 1810 Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)
20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-20539/93;A-4852)

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23 Ill. Adm. Code 610 Article 34 School and Subdistrict Councils (P-5449)
23 Ill. Adm. Code 252 Driver Education (P-8557)
23 Ill. Adm. Code 180 Health/Life Safety Code for Public Schools (P-9671)
23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-10061/93;A-1169)
23 Ill. Adm. Code 401 Nonpublic Special Education Facilities (P-9756) (PR-9733)
23 Ill. Adm. Code 110 Program Accounting Manual (P-9776)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)
23 Ill. Adm. Code 525 Regional Oversight Boards and Intermediate Service (P-9781)
23 Ill. Adm. Code 550 Reorganization Committee (PR-17611/93;AR-5551)
23 Ill. Adm. Code 226 Special Education (P-13231/93;A-1930)(P-18405/93;A-4685)(P-6482)(P-9810)
23 Ill. Adm. Code 170 Sprinkler System (P-18419/93;A-4699)
23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131/93; A-237)

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23 Ill. Adm. Code 125 Practice and Procedure (P-6509)

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29 Ill. Adm. Code 1310 Emergency Management Assistance Program (P-13843/93;A-6394)
29 Ill. Adm. Code 1300 Emergency Services and Disaster Agencies: Establishment, Accreditation, and Workers' Compensation (P-13856/93;A-6386)
29 Ill. Adm. Code 300 Local Emergency Services and Disaster Agencies: Establishment, Jurisdiction, and Accreditation (PR-13865/93;AR-6384)
29 Ill. Adm. Code 510 Workers' Compensation Coverage (PR-13875/93;A-6382)

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56 Ill. Adm. Code 2915 Academic Personnel (P-19415/93;A-4154)
56 Ill. Adm. Code 2865 Claimant's Availability for Work, Ability to Work and Active Search for Work (P-19421/93;A-4160)
56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals and Hearings (P-9048)
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-17628/93; A-250)
56 Ill. Adm. Code 2920 Disqualifying Income and Reduced Benefits (P-19427/93;A-4166)
56 Ill. Adm. Code 2732 Employment (P-9067)
56 Ill. Adm. Code 2960 General Provisions (P-9075)
56 Ill. Adm. Code 2760 Notices, Records, Reports (P-16319/93;A-261)(E-2631)(O-7070)(M-7492)(P-9082)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest and Penalties (P-9094)
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35 Ill. Adm. Code 270 Clean Air Act Permit Program Procedures (P-9425)
35 Ill. Adm. Code 372 Illinois Design Standards for Slow Rate Land Application of Treated Wastewater (P-4524)
35 Ill. Adm. Code 370 Illinois Recommended Standards for Sewage Works (CC-6375)
35 Ill. Adm. Code 184 Licensing of Industrial Hygienists (P-4)
35 Ill. Adm. Code 670 Minimal Hazard Certification (P-18730/93;A-10122)

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38 Ill. Adm. Code 130 Currency Exchange Rate (P-6929/93;W-6454)

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41 Ill. Adm. Code 200 Storage, Transportation, Sale and Use of Liquified Petroleum (P-22)
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77 Ill. Adm. Code 2510 Data Collection (P-8274)
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23 Ill. Adm. Code 1020 Health Services Education Grant (P-17639/93;A-4174)
23 Ill. Adm. Code 110 Program Accounting Manual (P-18283/93;A-5178)

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47 Ill. Adm. Code 360 Affordable Housing Program (P-1669;A-8663)(E-2124)
47 Ill. Adm. Code 365 Affordable Housing Bond Program (P-956;A-8633)(E-1596)(C-10505)
47 Ill. Adm. Code 260 Homeowner Mortgage Revenue Bond Program (P-8293)
47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (A-1939)

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2 Ill. Adm. Code 926 Access to Information (P-512)
56 Ill. Adm. Code 2520 Procedural (P-9821)
2 Ill. Adm. Code 925 Rulemaking and Organization (P-525)

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50 Ill. Adm. Code 1250 Corrective Orders (P-3985/93;A-2230)
50 Ill. Adm. Code 2013 Group Coverage Discontinuance and Replacement (P-8320)
50 Ill. Adm. Code 1103 Life Reinsurance Agreement (P-8411/93;A-685)
50 Ill. Adm. Code 2012 Long-term Care Insurance (P-11279/93;A-2238)
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50 Ill. Adm. Code 855 Prior Notification of Dividends on Common Stock and Other Distributions (P-21264/93;A-6168)
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50 Ill. Adm. Code 6201 Requirements (A-2282)
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80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-19755/93;A-7224)

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1 Ill. Adm. Code 255 Distribution of Database Information (E-5359)(P-8792)
1 Ill. Adm. Code 260 Complaint Reviews (P-13233/93;A-4705)(CC-7495)
1 Ill. Adm. Code 245 Expedited Corrections (P-13248/93;A-4720)(CC-7496)
1 Ill. Adm. Code 250 Five Year Evaluation of All Existing Rules (P-13257/93;A-4728)
1 Ill. Adm. Code 210 General Policies (P-13268/93;A-4739)(CC-7497)
1 Ill. Adm. Code 230 Review of Emergency Rulemaking (P-13233/93;A-1233)(CC-7498)
1 Ill. Adm. Code 240 Review of Peremptory Rulemaking (P-13294/93;A-4745)(CC-7499)
1 Ill. Adm. Code 220 Review of Proposed Rulemaking (P-13307/93;A-4758)(CC-7500)

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56 Ill. Adm. Code 350 Health & Safety (P-1672)

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11 Ill. Adm. Code 100 The Illinois Liquor Control Commission (P-20094/93;A-4811)

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11 Ill. Adm. Code 1700 Hearings (P-5394)
11 Ill. Adm. Code 1770 Lottery (General) (P-6519)

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2 Ill. Adm. Code 2950 Information, Rulemaking and Organization (A-5889)(A-8684)

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59 Ill. Adm. Code 101 Administration (P-10688/93;A-4179)
59 Ill. Adm. Code 122 Certification Under Medicaid Rehabilitation Option for Early Intervention Program (P-3969)

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59 Ill. Adm. Code 121 Esrly Intervention Program (P-3976)
59 Ill. Adm. Code 132 Medicaid Community Health Services Program (P-3902)
59 Ill. Adm. Code 120 Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (P-3990)
59 Ill. Adm. Code 106 Service Charges (P-7583)
59 Ill. Adm. Code 258 Standards and Requirements for Pre-Admission Screening and Participating Mental Centers (P-8795)

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62 Ill. Adm. Code 240 Illinois Oil and Gas Act (P-22128/93;A-8061)(E-10380)

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17 Ill. Adm. Code 4000 Management of Nature Preserves (P-12005/93;A-2290)
17 Ill. Adm. Code 4010 Register of Land & Water Reserves (P-578;A-7253)

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35 Ill. Adm. Code 399 Fees for Reviewing Applications to Change the Boundaries of a Wastewater Facility Planning Area (P-2552; A-9470)

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32 Ill. Adm. Code 405 Certification of Individuals to Perform Industrial Radiography (P-3326)
32 Ill. Adm. Code 333 Fees for Calibration Services (P-9797/93;A-2615)
32 Ill. Adm. Code 331 Fees for Radioactive Material Licenses (P-3045)
32 Ill. Adm. Code 330 Licensing of Radioactive Material (P-14417/93;A-5553)
32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)
32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)
32 Ill. Adm. Code 390 Particle Accelerators (P-8666/93;A-3143)
32 Ill. Adm. Code 350 Radiation Safety Requirments for Indistrial Radiographic Operations (P-13882/93;A-7263)
32 Ill. Adm. Code 351 Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93; A-3344)
32 Ill. Adm. Code 320 Registration of Radioactive Material, Radiation Machines, and Radiation Installations (P-8693/93;A-3363)
32 Ill. Adm. Code 505 Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)
32 Ill. Adm. Code 341 Transportation of Radioactive Material (P-13933/93;A-4196)
32 Ill. Adm. Code 355 Use of Radionuclides in the Healing Arts (P-20122/93;A-7308)
32 Ill. Adm. Code 360 Use of X-Ray in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (P-3996)

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35 Ill. Adm. Code 211 Definitions & General Provisions (P-12491/93;A-1253)(P-7589)(P-8331)(P-9228)
35 Ill. Adm. Code 304 Effluent Standards (P-15223/93;A-267;P-2560)
35 Ill. Adm. Code 620 Groundwater Quality (P-5113)
35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-337;A-6720)(P-6553)
35 Ill. Adm. Code 106 Hearings Pursuant to Specific Rules (P-959;A-4230)
35 Ill. Adm. Code 721 Identification and Listing of Hazardous Waste (P-357;A-6741)(P-6526)
35 Ill. Adm. Code 725 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771)(C-5011)(P-6568)
35 Ill. Adm. Code 728 Land Disposal Restrictions (P-388;A-6799)(C-5013)(P-6535)
35 Ill. Adm. Code 203 Major Stationary Sources Construction and Modification (P-18754/93;A-6335)
35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-12491/93;A-1945)(P-7602)(P-9242)
35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-20203/93;A-4242)(P-7618) (P-9272)
35 Ill. Adm. Code 105 Permits (16366/93;A-4244)
35 Ill. Adm. Code 201 Permits & General Provisions (P-7636)(P-8347)
35 Ill. Adm. Code 732 Petroleum Underground Storage Tanks (P-5403)
35 Ill. Adm. Code 611 Primary Drinking Water Standards (P-7642)
35 Ill. Adm. Code 813 Procedureal Requirments for Permitted Landfills (RQ-12409/93;EC-7501)
35 Ill. Adm. Code 702 RCRA and UIC Permit Programs (P-406;A-6918)
35 Ill. Adm. Code 703 RCRA Permit Program (P-419;A-6898)(P-6580)
35 Ill. Adm. Code 817 Requirements for New Steel and Foundry Industry (P-6246)
35 Ill. Adm. Code 810 Solid Waste Disposal: General Provisions (P-8702/93;A-1268)
35 Ill. Adm. Code 814 Standards for Existing Landfills & Units (P-8714/93;A-1284)(E-8488)

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35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (P-6600)
35 Ill. Adm. Code 739 Standards for the Management of Used Oil (P-455;A-6931)(C-5017)
35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-8726/93;A-1308)(C-4434)(EC-7504)
35 Ill. Adm. Code 724 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439; A-6973)(C-5015) (P-6641)
35 Ill. Adm. Code 303 Water Use Designations & Site Specific Water Quality Standards (P-8726/93;A-2981)
35 Ill. Adm. Code 212 Visible & Particulate Matter Emissions (P-967)

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68 Ill. Adm. Code 1175 Barber, Cosmetology, Esthetics, and Nail Technology Act (P-20217/93;A-4856)
68 Ill. Adm. Code 1505 Certified Veterinary Technicians (P-5737)
68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (P-2566)
68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435/93;A-2370)
68 Ill. Adm. Code 1150 Ill. Architecture Practice Act of 1989 (P-11337/93;RC-10500)
68 Ill. Adm. Code 1315 Ill. Occupational Therapy Practice Act (P-590;A-7373)
68 Ill. Adm. Code 1270 Ill. Professional Land Surveyor Act of 1989 (P-14550/93;A-5900)(P-9849)
68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act (P-7194)
68 Ill. Adm. Code 1283 Marriage and Family Therapy Licensing Act (P-5477)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (RQ-21209/93;EC-312)
68 Ill. Adm. Code 1375 Professional Counselor and Clinical Professional Counselor Licensing Act (P-7986)
68 Ill. Adm. Code 1455 Real Estate Appraiser Certificates (P-16379/93;A-2379)(P-2733;A-8428)
89 Ill. Adm. Code 102 Rights and Responsibilities (P-2602)
68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989 (P-5749)
68 Ill. Adm. Code 1500 Veterinary Medicine and Surgery Practice Act (P-5758)

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89 Ill. Adm. Code 112 Aid to Families with Dependant Children (P-2753;A-4546)(P-19436/93;A-5909)(P-22247/93;A-6994)(P-7208) (P-2587/93;A-8703)
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-13380/93;A-2018)(P-4562)(P-21982/93;A-7759)
89 Ill. Adm. Code 111 Assistance Standards (P-18764/93;A-2029)(P-22262/93;A-7009)
89 Ill. Adm. Code 160 Child Support Enforcement (P-497) (P-12067/93;A-697)
89 Ill. Adm. Code 170 Demonstration Programs (P-19440/93;A-3372)
89 Ill. Adm. Code 149 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)(P-15243/93;A-3378)
89 Ill. Adm. Code 121 Food Stamps (P-18425/93;A-2033) (P-21991/93;A-8921)(P-2178;A-8921)(E-2509)(P-16405/93;A-3427) (P-4575)(P-6251)
89 Ill. Adm. Code 114 General Assistance (P-19443/93;A-3436) (P-4586) (P-22308/93;A-7390)
89 Ill. Adm. Code 152 Hospital Reimbursement Changes (P-1677;A-10141)(E-2150)
89 Ill. Adm. Code 153 Long Term Care Reimbursement Changes (P-1686;A-10154)(E-2159)
89 Ill. Adm. Code 120 Medical Assistance Programs (P-13392/93;A-2051)(P-4063)(P-221266/93;A-5934)(P-22321/93;A-8718)
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TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = recodified
# = renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawl
CC = Codification Changes
RQ = Request for Correction
PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections Objection
RC = Recommendations
EC = Expedited Correction
C = Correction

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TITLE 1

100.100	am	(P-7087)
100.110	am	(P-7087)
100.140	am	(P-7087)
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100.180	am	(P-7087)
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100.270	am	(P-7087)
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100.Ap.E.II.C	am	(P-7087)
100.Ap.E.II.D	am	(P-7087)
210.	re	(CC-7497)
210.100	am	(P-13268/93;A-4739)
210.200	am	(P-13268/83;A-4739)
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210.400	am	(P-13268/83;A-4739)
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220.700	am	(P-13307/93;A-4758)
220.780	am	(P-13307/93;A-4758)
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220.Ex.F	am	(P-13307/93;A-4758)
220.Ex.G	am	(P-13307/93;A-4758)
220.Ex.I	am	(P-13307/93;A-4758)
220.Ex.J	am	(P-13307/93;A-4758)
220.Ex.K	am	(P-13307/93;A-4758)
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230.550	am	(P-13223/93;A-1233)
230.600	am	(P-13223/93;A-1233)

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230.Ex.B	r	(P-13223/83;A-1233)
230.Ex.C	am	(P-13223/93;A-1233)
230.Ex.D	am	(P-13223/93;A-1233)
230.Ex.E	am	(P-13223/93;A-1233)
230.Ex.F	am	(P-13223/93;A-1233)
240.	re	(CC-7499)
240.100	am	(P-13294/93;A-4745)
240.200	am	(P-12294/93;A-4745)
240.300	am	(P-13294/93;A-4745)
240.400	am	(P-12294/93;A-4745)
240.500	am	(P-13294/93;A-4745)
240.600	am	(P-12294/93;A-4745)
240.700	am	(P-13294/93;A-4745)
240.800	am	(P-12294/93;A-4745)
240.900	am	(P-12294/93;A-4745)
240.1000	am	(P-13294/93;A-4745)
240.1100	am	(P-12294/93;A-4745)
245.	re	(CC-7496)
245.100	am	(P-13248/93;A-4720)
245.110	am	(P-13248/83;A-4720)
245.130	am	(P-13248/93;A-4720)
245.140	am	(P-13248/93;A-4720)
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250.200	am	(P-13257/93;A-4728)
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250.400	am	(P-13257/93;A-4728)
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250.600	am	(P-13257/93;A-4728)
250.700	am	(P-13257/93;A-4728)
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250.1200	am	(P-13257/93;A-4728)
250.1300	am	(P-13257/93;A-4728)
250.1400	am	(P-13257/83;A-4728)
250.1500	am	(P-13257/93;A-4728)
250.1600	am	(P-13257/93;A-4728)
250.1700	am	(P-13257/93;A-4728)
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250.1900	am	(P-13257/93;A-4728)
250.2000	am	(P-13257/93;A-4728)
250.2100	am	(P-13257/93;A-4728)
250.2200	am	(P-13257/93;A-4728)
255.10	n	(E-5359)
255.20	n	(E-5359)
260.	re	(CC-7595)
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260.650	am	(P-13233/93;A-4705)
280.700	am	(P-13233/93;A-4705)
280.900	am	(P-13233/93;A-4705)
260.1000	am	(P-13233/93;A-4705)
280.1100	am	(P-13233/93;A-4705)
280.1200	am	(P-13233/93;A-4705)
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260.Ex.B	r	(P-13233/93;A-4705)
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300.	re	(CC-9934)

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800.10	r	(A-8440)
	n	(A-6404)
600.110	r	(A-6440)
	n	(A-8404)
800.120	r	(A-8440)
	n	(A-8404)
600.210	r	(A-8440)
	n	(A-6404)
800.220	r	(A-6440)
	n	(A-6404)
800.810	r	(A-8440)
	n	(A-8404)
600.614	n	(A-8404)
600.818	n	(A-8404)
600.620	r	(A-6440)
	n	(A-6404)
800.622	n	(A-6404)
800.828	n	(A-8404)
800.830	r	(A-8440)
	n	(A-6404)
600.634	n	(A-8404)
600.638	n	(A-6404)
800.840	r	(A-8440)
	n	(A-8404)
800.642	n	(A-8404)
800.646	n	(A-8404)
600.850	r	(A-8440)
	n	(A-8404)
600.654	n	(A-6404)
600.658	n	(A-6404)
600.680	r	(A-6440)
600.682	n	(A-6404)
600.688	n	(A-8404)
600.670	r	(A-6440)
	n	(A-6404)
800.674	n	(A-6404)
800.878	n	(A-6404)
600.680	r	(A-8440)
600.690	r	(A-6440)
	n	(A-6404)
600.694	n	(A-8404)
600.898	n	(A-8404)
800.Ap.A	r	(A-6440)
	n	(A-8404)
600.Ap.B	r	(A-8440)
	n	(A-6404)
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801.400	am	(A-7739)
601.Ap.D	am	(A-7739)
601.Ap.E	am	(A-7739)
826.10	am	(A-8616)
826.110	am	(A-8618)
826.210	am	(A-8618)
826.220	am	(A-8616)
826.410	am	(A-8616)
826.420	am	(A-8618)
925.10	r	(P-525)
925.110	am	(P-525)
925.120	r	(P-525)
925.210	am	(P-525)
925.220	r	(P-525)
925.230	r	(P-525)
925.240	r	(P-525)
925.250	r	(P-525)
925.Ap.A	am	(P-525)
926.10	r	(P-512)
928.20	#	(P-512)
926.110	r	(P-512)
926.120	r	(P-512)
926.130	r	(P-512)
928.200	#,am	(P-512)
928.210	am	(P-512)
928.220	r	(P-512)
926.230	am	(P-512)
928.231	#,am	(P-512)
826.235	#,am	(P-512)
828.236	#,am	(P-612)
928.240	#	(P-512)
928.250	am	(P-512)
926.260	am	(P-512)
926.270	am	(P-512)
928.280	#	(P-512)
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	#,n	(A-8684)
2960.60	n	(A-8684)
2960.70	n	(A-8684)
2960.80	n	(A-8684)
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2950.200	n	(A-5889)
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	am	(A-8684)
2950.230	n	(A-5889)
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2950.240	n	(A-5889)
	am	(A-8884)
2950.Ap.A	n	(A-5889)
	#,n	(A-8684)
2950.Ap.B	#,am	(A-8684)

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20.01	am	(P-14793/93;A-1844)
25.20	am	(P-8993)
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25.110	am	(P-8993)
25.120	am	(P-8993)
25.130	am	(P-8993)
30.10	am	(P-8972)
30.20	am	(P-8972)
30.40	am	(P-8972)
30.90	am	(P-8972)

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30.140	am	(P-8972)
35.30	am	(P-9008)
40.5	am	(P-14769/93;A-1889)
40.60	am	(P-14769/93;A-1869)
40.80	am	(P-14769/93;A-1889)
40.110	am	(P-14769/93;A-1869)
40.170	am	(P-14769/93;A-1889)
50.10	am	(P-9011)
50.20	am	(P-9011)
70.80	am	(P-9003)
70.130	am	(P-9003)
75.5	am	(P-14728/93;A-1833)
75.10	am	(P-14728/93;A-1833)
75.40	am	(P-14728/93;A-1833)
75.120	am	(P-14728/93;A-1833)
75.180	am	(P-14728/93;A-1833)
75.190	am	(P-14728/93;A-1833)
75.200	am	(P-14728/93;A-1833)
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75.Tab.A	r	(P-14728/93;A-1833)
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85.15	am	(P-14747/93;A-1850)
85.50	am	(P-14747/93;A-1850)
85.75	am	(P-14747/93;A-1850)
85.100	am	(P-14747/93;A-1850)
85.110	am	(P-14747/93;A-1850)
85.115	am	(P-14747/93;A-1850)
85.125	n	(P-14747/93;A-1850)
90.10	am	(P-9018)
90.110	am	(P-9018)
90.120	am	(P-9018)
105.5	am	(P-14781/93;A-1880)
105.10	am	(P-14781/93;A-1880)
105.30	am	(P-14781/93;A-1880)
110.50	am	(P-14717/93;A-1825)
	am	(P-8981)
110.70	am	(P-8981)
110.80	am	(P-14717/93;A-1825)
110.90	am	(P-14717/93;A-1825)
	am	(P-8981)
110.110	am	(P-14717/93;A-1825)
	am	(P-8981)
118.10	n	(P-14761/93;A-1881)
116.20	n	(P-14761/93;A-1881)
118.30	n	(P-14781/93;A-1881)
125.100	am	(P-3809)
125.110	am	(P-9027)
125.260	am	(P-3809)(P-18917/93;A-4622)(PP-8442)(PP-8493)
125.270	am	(PP-304)(E-2164)(PP-6442)(PP-8493)
125.380	am	(P-3809)(P-18917/93;A-4622)
125.390	am	(E-2184)
257.10	n	(P-14288/93;A-205)
257.20	n	(P-14288/93;A-205)
257.30	n	(P-14288/93,A-205)
257.40	n	(P-14288/93;A-205)
257.50	n	(P-14288/93;A-205)
257.80	n	(P-14288/93;A-205)
257.70	n	(P-14288/93;A-205)
257.80	n	(P-14288/93,A-205)
257.90	n	(P-14288/93;A-205)
257.100	n	(P-14288/83;A-205)
270.10	am	(P-3184;A-9400)
270.15	am	(P-3164;A-9400)
270.20	am	(P-3164,A-9400)
270.35	am	(P-3164;A-9400)
270.40	am	(P-3164;A-9400)
270.50	am	(P-3164;A-9400)
270.70	am	(P-3184;A-9400)
270.75	am	(P-3164;A-9400)
270.85	am	(P-3184;A-9400)
270.90	am	(P-3164;A-9400)
270.95	am	(P-3164;A-9400)
270.130	am	(P-3164;A-9400)
270.135	am	(P-3164;A-9400)
270.140	am	(P-3164;A-9400)
270.150	am	(P-3164;A-9400)
270.185	am	(P-3184;A-9400)
270.170	am	(P-3164;A-9400)
270.180	am	(P-3164;A-9400)
270.190	am	(P-3164;A-9400)
270.205	am	(P-3164;A-9400)
270.210	am	(P-3164;A-9400)
270.221	n	(P-3184;A-9400)
270.230	am	(P-3164;A-9400)
270.235	am	(P-3164;A-9400)
270.240	am	(P-3164;A-9400)
270.245	am	(P-3164;A-9400)
270.281	am	(P-3164;A-9400)
270.280	am	(P-3164;A-9400)
270.320	am	(P-3164;A-9400)
270.365	am	(P-3164;A-9400)
270.371	n	(P-3164;A-9400)
270.395	am	(P-3164;A-9400)
270.480	am	(P-3164;A-9400)
270.510	am	(P-3164;A-9400)
270.540	am	(P-3164;A-9400)
270.625	am	(P-3164;A-9400)
270.685	am	(P-3164;A-9400)
515.5	am	(P-9033)
515.60	am	(P-9033)
515.110	am	(P-9033)
515.130	am	(P-9033)
515.150	am	(P-9033)
800.1	am	(P-8519)
600.300	am	(E-4426)(P-8519)
600.320	n	(E-4426)(P-8519)
800.820	a,	(P-8519)

TITLE 11

100.5	am	(P-20094/93;A-4811)
100.10	am	(P-20094/93;A-4811)
100.20	am	(P-20094/93;A-4811)
100.50	am	(P-20094/93;A-4811)
100.60	am	(P-20094/93;A-4811)
100.70	am	(P-20094/93;A-4811)
100.90	am	(P-20094/93;A-4811)
100.120	am	(P-20094/93;A-4811)
100.130	am	(P-20094/93;A-4811)
100.150	am	(P-20094/93;A-4811)
100.160	am	(P-20094/93;A-4811)
100.170	am	(P-20094/93;A-4811)
100.180	am	(P-20094/93;A-4811)
100.210	am	(P-20094/93;A-4811)
100.240	am	(P-20094/93;A-4811)
100.250	am	(P-20094/93;A-4811)
100.280	am	(P-20094/93;A-4811)
100.280	am	(P-20094/93;A-4811)
100.300	am	(P-20094/93;A-4811)
100.310	am	(P-20094/93;A-4811)
100.320	am	(P-20094/93;A-4811)
100.330	am	(P-20094/93;A-4811)
100.340	am	(P-20094/93;A-4811)
100.350	am	(P-20094/93;A-4811)
100.360	am	(P-20094/93;A-4811)
100.370	am	(P-20094/93;A-4811)
100.380	am	(P-20094/93;A-4811)
204.10	am	(P-126;A-7419)
204.20	am	(P-128;A-7419)
204.30	am	(P-126;A-7419)
204.40	am	(P-128;A-7419)
204.50	am	(P-126;A-7419)
204.60	am	(P-126;A-7419)
204.70	am	(P-126;A-7419)
204.80	am	(P-126;A-7419)
204.90	am	(P-128;A-7419)
204.100	am	(P-126;A-7419)
204.110	am	(P-126;A-7419)
204.120	am	(P-126;A-7419)
204.130	am	(P-126;A-7419)
206.10	am	(P-112;A-7407)
206.20	am	(P-112;A-7407)
206.30	am	(P-112;A-7407)
207.40	r	(P-124;A-7418)
208.10	am	(P-115;A-7410)
208.20	am	(P-115;A-7410)
208.30	am	(P-115;A-7410)
208.40	am	(P-115;A-7410)
208.100	am	(P-115;A-7410)
208.110	am	(P-115;A-7410)
208.120	am	(P-115;A-7410)
210.10	n	(P-19057/93;A-2072)
308.10	n	(P-1773,A-7433)
308.20	n	(P-1773;A-7433)
308.30	n	(P-1773;A-7433)
308.40	n	(P-1773;A-7433)
308.50	n	(P-1773;A-7433)
308.60	n	(P-1773;A-7433)
308.70	n	(P-1773;A-7433)
308.80	n	(P-1773;A-7433)
308.90	n	(P-1773,A-7433)
311.10	n	(P-1780;A-7440)
311.20	n	(P-1780;A-7440)
311.30	n	(P-1780;A-7440)
311.40	n	(P-1780;A-7440)
401.10	r	(P-10030/93;A-2087)
405.90	am	(P-2838)
405.120	am	(P-2838)
433.45	am	(P-137;A-7443)
438.10	r	(P-2841;A-7439)
438.20	r	(P-2841;A-7439)
438.30	r	(P-2841;A-7439)
438.35	r	(P-2841;A-7439)
438.40	r	(P-2841;A-7439)
438.50	r	(P-2841;A-7439)
438.60	r	(P-2841;A-7439)
438.70	r	(P-2841;A-7439)
438.90	r	(P-2841;A-7439)
438.100	r	(P-2841;A-7439)
438.110	r	(P-2841;A-7439)
501.10	r	(P-19040;A-2089)
501.20	r	(P-19040;A-2089)
502.500	am	(P-5508)
509.95	am	(P-2832;A-7428)
509.200	am	(P-17858;A-2095)
509.220	r	(P-2832;A-7428)
509.300	n	(P-5785)(E-8019)(O-8504)(M-9854)
510.10	am	(P-15790/93;A-2084)

(Title 11, cont.)

510.20	am	(P-15790/93;A-2064)
510.30	am	(P-15790/93;A-2064)
510.40	am	(P-15790/93;A-2064)
510.60	am	(P-15790/93;A-2084)
510.120	am	(P-15790/93;A-2064)
510.130	am	(P-15790/93;A-2064)
510.150	am	(P-15790/93;A-2064)
510.180	am	(P-15790/93;A-2084)
510.170	am	(P-15790/93;A-2064)
510.180	am	(P-15790/93;A-2084)
510.200	am	(P-5500)
510.230	r	(P-15790/93;A-2084)
510.240	am	(P-15790/93;A-2084)
1304.10	r	(P-19033/93;A-2088)
1313.80	am	(P-8880)
1401.10	r	(P-19050/93;A-2090)
1401.20	r	(P-19050/93;A-2090)
1401.25	r	(P-19050/93;A-2090)
1401.30	r	(P-19050/93;A-2090)
1401.40	r	(P-19050/93;A-2090)
1401.50	r	(P-19050/93;A-2090)
1401.60	r	(P-19050/93;A-2090)
1401.64	r	(P-19050/93;A-2090)
1401.67	r	(P-19050/93;A-2090)
1401.70	r	(P-19050/93;A-2090)
1401.80	r	(P-19050/93;A-2090)
1401.90	r	(P-19050/93;A-2090)
1401.100	r	(P-19050/93;A-2090)
1401.110	r	(P-19050/93;A-2090)
1401.120	r	(P-19050/93;A-2090)
1401.130	r	(P-19050/93;A-2090)
1401.140	r	(P-19050/93;A-2090)
1401.150	r	(P-19050/93;A-2090)
1401.160	r	(P-19050/93;A-2090)
1401.170	r	(P-19050/93;A-2090)
1401.180	r	(P-19050/93;A-2090)
1405.100	r	(P-5503)
1411.240	am	(P-19892/93;A-2092)
1413.510	am	(P-5505)
1415.280	n	(P-5512)
1440.10	n	(P-15799/93;A-2098)
1440.20	n	(P-15799/93;A-2098)
1440.30	n	(P-15799/93;A-2098)
1440.40	n	(P-15799/93;A-2098)
1440.50	n	(P-15799/93;A-2098)
1440.60	n	(P-15799/93;A-2098)
1440.70	n	(P-15799/93;A-2098)
1440.80	n	(P-15799/93;A-2098)
1700.10	am	(P-5394)
1700.20	am	(P-5394)
1700.30	am	(P-5394)
1700.40	am	(P-5394)
1700.50	am	(P-5394)
1700.80	am	(P-5394)
1700.110	am	(P-5394)
1700.120	am	(P-5394)
1700.140	am	(P-5394)
1700.150	am	(P-5394)
1700.180	am	(P-5394)
1700.170	am	(P-5394)
1700.180	am	(P-5394)
1700.190	am	(P-5394)
1700.200	n	(P-5394)
1700.210	n	(P-5394)
1770.170	am	(P-8519)
1770.190	am	(P-8519)
1770.10	am	(P-7188)
1770.30	am	(P-7186)
1770.50	am	(P-7186)
1770.120	am	(P-7186)
1770.140	am	(P-7186)
1770.150	am	(P-7188)
1770.160	am	(P-7188)
1770.180	am	(P-7186)
1770.190	am	(P-7186)
1770.200	am	(P-7186)
1770.210	am	(P-7186)

TITLE 14

150.470	am	(P-1793;A-7783)
180.10	am	(P-18793/93;A-2101)
180.12	am	(P-18793/93;A-2101)
200.101	am	(PP-2522)
510.20	am	(P-14318/93;A-5813)
510.50	am	(P-14318/93;A-5813)
510.60	am	(P-14318/93;A-5813)
510.70	am	(P-14318/93;A-5813)
510.80	am	(P-14318/93;A-5813)
510.85	am	(P-14318/93;A-5813)
510.210	n	(P-21905/93;A-8387)
510.220	n	(P-21905/93;A-8387)
510.230	n	(P-21905/93;A-8387)
510.240	n	(P-21905/93;A-8387)
510.250	n	(P-21905/93;A-8387)
510.260	n	(P-21905/93;A-8387)
510.270	n	(P-21905/93;A-8387)
510.275	n	(P-21905/93;A-8387)
510.280	n	(P-21905/93;A-8387)
510.285	n	(P-21905/93;A-8387)
510.290	n	(P-21905/93;A-8387)
540.520	n	(P-9791/93;A-5172)
545.10	am	(P-839;A-8415)
545.30	am	(P-839;A-8415)
545.40	am	(P-839;A-8415)
545.50	am	(P-839;A-8415)
545.60	am	(P-839;A-8415)
545.70	am	(P-839;A-8415)
570.10	am	(P-22123/93;A-6119)
570.20	am	(P-22123/93;A-6119)
570.25	am	(P-22123/93;A-6119)
570.30	am	(P-22123/93;A-6119)
570.40	am	(P-22123/93;A-6119)
570.50	am	(P-22123/93;A-6119)
570.60	am	(P-22123/93;A-6119)
570.70	am	(P-22123/93;A-6119)
610.10	am	(P-19352/93;A-8398)
610.30	am	(P-19352/93;A-8398)
610.50	am	(P-19352/93;A-8398)
810.80	am	(P-19352/93;A-8398)
610.100	n	(P-19352/93;A-8398)
810.200	n	(P-19352/93;A-8398)
810.300	n	(P-19352/93;A-8398)
610.400	n	(P-19352/93;A-8398)
810.500	n	(P-19352/93;A-8398)
610.600	n	(P-19352/93;A-8398)
810.700	n	(P-19352/93;A-8398)
610.800	n	(P-19352/93;A-8398)
810.900	n	(P-19352/93;A-8398)
620.90	am	(P-9687)

TITLE 17

130.50	am	(P-18721/93;A-1126)
130.70	am	(P-18721/93;A-1126)
130.100	am	(P-18721/93;A-1126)
530.20	am	(P-4495)
530.60	r	(P-4495)
530.70	am	(P-4495)
530.80	am	(P-4495)
530.100	am	(P-4495)
530.105	am	(P-4495)
530.110	am	(P-4495)
530.115	am	(P-4495)
530.120	r	(P-4495)
550.20	am	(P-3868;A-10090)
550.30	am	(P-3868;A-10090)
570.20	am	(P-3853;A-10077)
570.30	am	(P-3853;A-10077)
570.40	am	(P-3853;A-10077)
590.10	am	(P-5065,A-10023)
590.20	am	(P-5065;A-10023)
590.25	am	(P-5065;A-10023)
590.26	am	(P-5065;A-10023)
590.30	am	(P-5065;A-10023)
590.40	am	(P-5065;A-10023)
590.50	am	(P-5065;A-10023)
590.80	am	(P-5065;A-10023)
650.20	am	(P-21927/93;A-5859)
650.21	am	(P-21927/93;A-5859)
650.23	am	(P-21927/93;A-5859)
650.30	am	(P-21927/93;A-5859)(P-7180)
650.40	am	(P-21927/93;A-5859)
650.50	am	(P-21927/93;A-5859)
650.60	am	(P-21927/93;A-5859)
650.65	am	(P-21927/93;A-5859)
660.20	am	(P-21952/93;A-5878)
660.30	am	(P-21952/93;A-5878)(P-7183)
660.40	am	(P-21952/93;A-5878)
660.50	am	(P-21952/93;A-5878)
660.60	am	(P-21952/93;A-5878)
670.10	am	(P-21907/93;A-5842)
670.20	am	(P-21907/93;A-5842)
670.21	n	(P-21907/93;A-5842)
670.40	am	(P-21907/93;A-5842)
670.50	am	(P-21907/93;A-5842)
670.60	am	(P-21907/93;A-5842)
690.10	am	(P-3193;A-8624)
890.20	am	(P-3193;A-8624)
690.30	am	(P-3193;A-8624)
710.5	n	(P-18927/93;A-1156)
710.10	am	(P-18927/93;A-1156)(E-3751)
710.20	am	(P-18927/93;A-1156)
710.21	am	(P-18927/93;A-1156)
710.22	am	(P-18927/93,A-1156)
710.25	#,am	(P-18927/93,A-1156)
710.30	am	(P-18927/93,A-1158)
710.50	am	(P-18927/93,A-1156)
710.60	am	(P-18927/93;A-1158)
715.10	am	(P-3895;A-10013)
715.20	am	(P-3895;A-10013)
715.25	n	(P-3895;A-10013)
715.40	am	(P-3895;A-10013)
720.10	am	(P-3884,A-10104)
720.20	am	(P-3884;A-10104)
720.25	n	(P-3884;A-10104)
720.40	am	(P-3884;A-10104)
730.20	am	(P-3830;A-10009)
730.30	am	(P-3830;A-10009)
740.10	am	(P-3986,A-9998)
740.20	am	(P-3986,A-9998)
810.10	am	(P-19785/93;A-3277)

(Title 17, cont.)

810.35	am	(P-19785/93;A-3277)
810.37	am	(P-19785/93;A-3277)
810.45	am	(P-19785/93;A-3277) (E-5687)(P-6202)
810.70	am	(P-19785/93;A-3277)
830.20	am	(E-4781)(P-5372; A-9985)
830.40	am	(E-4781)(P-5372; A-9985)
830.60	am	(E-4781)(P-5372; A-9985)
850.20	am	(P-22123/93;A-5834)
850.30	am	(P-22123/93;A-5834)
910.15	n	(P-3846)
910.20	am	(P-3846)
910.25	n	(P-3646)
910.80	am	(P-3646)
910.60	am	(P-3846)
1010.25	am	(P-16273/93;A-1134)
1010.30	am	(P-18273/93;A-1134)
1050.25	am	(P-16285/93;A-1142)
1050.30	am	(P-16265/93;A-1142)
1050.40	am	(P-16285/93;A-1142)
1070.80	am	(P-1;A-5838)
2520.10	am	(P-3821;A-9991)
2520.20	am	(P-3821;A-9991)
2520.30	am	(P-3821;A-9991)
2520.40	am	(P-3621;A-9991)
2520.50	am	(P-3821;A-9991)
3010.30	am	(P-5378;A-10008)
3010.40	am	(P-5379;A-10006)
3010.70	am	(P-5379;A-10006)
3010.60	am	(P-5379;A-10006)
4000.110	am	(P-12005/93;A-2290)
4000.120	am	(P-12005/93;A-2290)
4000.130	r,n	(P-12005/93;A-2290)
4000.140	r	(P-12005/93;A-2290)
4000.150	r,n	(P-12005/93;A-2290)
4000.180	r,n	(P-12005/93;A-2290)
4000.165	n	(P-12005/93;A-2290)
4000.170	am	(P-12005/93;A-2290)
4000.210	am	(P-12005/93;A-2290)
4000.220	am	(P-12005/93;A-2290)
4000.230	r	(P-12005/93;A-2290)
4000.240	am	(P-12005/93;A-2290)
4000.250	am	(P-12005/93;A-2290)
4000.260	am	(P-12005/93;A-2290)
4000.270	am	(P-12005/93;A-2290)
4000.260	n	(P-12005/93;A-2290)
4000.310	r	(P-12005/93;A-2290)
4000.320	r	(P-12005/93;A-2290)
4000.410	r	(P-12005/93;A-2290)
4000.415	n	(P-12005/93;A-2290)
4000.420	r	(P-12005/93;A-2290)
4000.425	n	(P-12005/93;A-2290)
4000.430	r	(P-12005/93;A-2290)
4000.435	n	(P-12005/93;A-2290)
4000.440	am	(P-12005/93;A-2290)
4000.450	r	(P-12005/93;A-2290)
4000.480	am	(P-12005/93;A-2290)
4000.465	n	(P-12005/93;A-2290)
4000.470	r	(P-12005/93;A-2290)
4000.475	n	(P-12005/93;A-2290)
4000.510	r	(P-12005/93;A-2290)
4000.520	r	(P-12005/93;A-2290)
4000.530	r	(P-12005/93;A-2290)
4000.540	am	(P-12005/93;A-2290)
4000.550	am	(P-12005/93;A-2290)
4000.580	am	(P-12005/93;A-2290)
4000.570	am	(P-12005/93;A-2290)
4000.580	am	(P-12005/93;A-2290)
4000.610	r	(P-12005/93;A-2290)
4000.620	am	(P-12005/93;A-2290)
4010.110	n	(P-578;A-7253)
4010.120	n	(P-578;A-7253)
4010.130	n	(P-578;A-7253)
4010.140	n	(P-578;A-7253)
4010.150	n	(P-578;A-7253)
4010.180	n	(P-576;A-7253)
4010.170	n	(P-578;A-7253)
4010.210	n	(P-576;A-7253)
4010.220	n	(P-576;A-7253)
4010.230	n	(P-578;A-7253)
4010.240	n	(P-578;A-7253)
4010.250	n	(P-576;A-7253)
4010.260	n	(P-578;A-7253)
4010.270	n	(P-578;A-7253)
4010.280	n	(P-578;A-7253)
4010.310	n	(P-578;A-7253)
4010.320	n	(P-578;A-7253)

TITLE 20

107.15	n	(P-19377/93;A-2939)
107.17	n	(P-19377/93;A-2939)
107.20	am	(P-19377/93;A-2939)
107.105	n	(P-19377/93;A-2939)
107.107	n	(P-19377/93;A-2939)
107.120	am	(P-19377/93;A-2939)
107.145	am	(P-19377/93;A-2939)
107.205	n	(P-19377/93;A-2939)
107.207	n	(P-19377/93;A-2939)
107.210	am	(P-19377/93;A-2939)
107.305	n	(P-19377/93;A-2939)
107.307	n	(P-19377/93;A-2939)
107.320	am	(P-19377/93;A-2939)
107.330	am	(P-19377/93;A-2939)
107.405	n	(P-19377/93;A-2939)
107.410	am	(P-19377/93;A-2939)
107.500	n	(P-19377/93;A-2939)
107.505	n	(P-19377/93;A-2939)
107.510	n	(P-19377/93;A-2939)
107.520	n	(P-19377/93;A-2939)
107.530	n	(P-19377/93;A-2939)
107.540	n	(P-19377/93;A-2939)
107.550	n	(P-19377/93;A-2939)
107.580	n	(P-19377/93;A-2939)
405.17	am	(P-19405/93;A-2970)
405.20	am	(P-19405/93;A-2970)
405.55	am,r	(P-19405/93;A-2970)
420.30	am	(P-19367/93;A-2929)
460.12	am	(P-19371/93;A-2933)
480.20	am	(P-19371/93;A-2933)
480.30	am	(P-19371/93;A-2933)
480.80	am	(P-19371/93;A-2933)
501.40	am	(P-8369/93;A-6328)
501.80	am	(P-8369/93;A-6328)
1570.10	n	(P-21136/93;A-4879)
1570.20	n	(P-21136/93;A-4879)
1570.30	n	(P-21138/93;A-4879)
1570.40	n	(P-21138/93;A-4679)
1570.50	n	(P-21138/93;A-4879)
1570.60	n	(P-21136/93;A-4679)
1800.10	n	(P-20539/93;A-4852)
1800.20	n	(P-20539/93;A-4852)
1600.30	n	(P-20539/93;A-4852)
1800.40	n	(P-20539/93;A-4852)
1810.100	n	(P-20516/93;A-4834)
1810.110	n	(P-20518/93;A-4834)
1810.200	n	(P-20518/93;A-4834)
1810.210	n	(P-20518/93;A-4834)
1810.220	n	(P-20516/93;A-4834)
1810.230	n	(P-20518/93;A-4834)
1810.240	n	(P-20516/93;A-4834)
1810.250	n	(P-20516/93;A-4834)
1810.300	n	(P-20516/93;A-4834)
1810.400	n	(P-20516/93;A-4834)
1810.410	n	(P-20516/93;A-4834)
1810.420	n	(P-20518/93;A-4634)
1810.430	n	(P-20516/93;A-4834)
1810.440	n	(P-20516/93;A-4834)
1810.500	n	(P-20518/93;A-4834)
1810.510	n	(P-20516/93;A-4834)
1810.520	n	(P-20516/93;A-4834)
1810.530	n	(P-20516/93;A-4834)
1810.540	n	(P-20516/93;A-4834)
1810.550	n	(P-20516/93;A-4834)
1810.600	n	(P-20516/93;A-4834)
1810.610	n	(P-20516/93;A-4834)
1810.620	n	(P-20518/93;A-4834)
1810.700	n	(P-20516/93;A-4634)
1810.710	n	(P-20516/93;A-4834)
1810.720	n	(P-20516/93;A-4834)
1810.730	n	(P-20516/93;A-4834)
1810.600	n	(P-20518/93;A-4834)
1810.900	n	(P-20516/93;A-4834)
1810.910	n	(P-20516/93;A-4834)
1810.1000	n	(P-20516/93;A-4834)
1810.1010	n	(P-20516/93;A-4834)
1810.1020	n	(P-20516/93;A-4834)
1810.1100	n	(P-20516/93;A-4834)
1810.1110	n	(P-20516/93;A-4834)

TITLE 23

1.10	am	(P-10079/93;A-1171)
1.20	am	(P-10079/93;A-1171)
1.30	am	(P-10079/93;A-1171)
1.40	am	(P-10079/93;A-1171)
1.50	am	(P-10079/93;A-1171)
1.60	am	(P-10079/93;A-1171)
1.70	am	(P-10079/93;A-1171)
1.80	am	(P-10079/93;A-1171)
1.90	n	(P-10079/93;A-1171)
1.100	n	(P-10079/93;A-1171)
1.App.D	n	(P-10079/93;A-1171)
1.App.E	n	(P-10079/93;A-1171)
1.App.F	n	(P-10079/93;A-1171)
1.App.G	n	(P-10079/93;A-1171)
110.15	am	(P-9778)
110.20	am	(P-18283/93;A-5178)
110.25	am	(P-18283/93;A-5178)
110.40	am	(P-18283/93;A-5178)
110.50	am	(P-18283/93;A-5178)
110.90	am	(P-18283/93;A-5178)
110.100	am	(P-18283/93;A-5178)
110.110	am	(P-18283/93;A-5176)
110.115	am	(P-18283/93;A-5178)
110.120	n	(P-18283/93;A-5178)
110.125	n	(P-18283/93;A-5178)
110.135	n	(P-18283/93;A-5178)
110.Tb.A	am	(P-18283/93;A-5178)
110.Tb.B	am	(P-18283/93;A-5178)
110.Tb.C	am	(P-18283/93;A-5178)
110.Tb.D	am	(P-18283/93;A-5178)

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170.10	n	(P-18419/93;A-4699)
170.20	n	(P-18419/93;A-4899)
170.30	n	(P-18419/93;A-4899) (EC-8955)
170.40	n	(P-18419/93;A-4899)
170.50	n	(P-18419/93,A-4699)
160.10	n	(P-9871)
160.20	n	(P-9671)
180.30	n	(P-9871)
180.40	n	(P-9871)
180.50	n	(P-9671)
180.60	n	(P-9871)
180.70	n	(P-8871)
180.80	n	(P-9871)
160.90	n	(P-9671)
160.100	n	(P-9871)
160.110	n	(P-9671)
160.120	n	(P-9871)
160.200	n	(P-9671)
160.210	n	(P-9671)
160.220	n	(P-9871)
160.230	n	(P-9671)
160.240	n	(P-9871)
180.300	n	(P-9871)
160.310	n	(P-9871)
160.320	n	(P-9671)
180.330	n	(P-9871)
180.340	n	(P-9671)
180.400	n	(P-9871)
160.410	n	(P-9671)
180.420	n	(P-9671)
160.500	n	(P-9671)
180.510	n	(P-9671)
180.520	n	(P-9671)
180.530	n	(P-9671)
180.600	n	(P-9871)
180.610	n	(P-9671)
180.620	n	(P-9671)
180.625	n	(P-9671)
160.630	n	(P-9671)
160.635	n	(P-9671)
160.640	n	(P-9671)
160.645	n	(P-9871)
180.650	n	(P-9671)
180.655	n	(P-9671)
160.660	n	(P-9871)
210.10	r	(P-10081/93;A-1169)
210.100	r	(P-10061/93;A-1169)
210.110	r	(P-10081/93;A-1189)
210.120	r	(P-10081/93;A-1169)
210.130	r	(P-10081/93;A-1189)
210.140	r	(P-10081/93;A-1189)
210.150	r	(P-10061/93;A-1169)
210.200	r	(P-10061/93;A-1169)
210.210	r	(P-10061/93;A-1169)
210.220	r	(P-10081/93;A-1169)
226.5	am	(P-6462)
226.430	am	(P-9610)
226.525	am	(P-13231/93;A-1930)
226.535	am	(P-6482)
226.552	am	(P-6482)
226.560	am	(P-6462)
228.582	am	(P-8482)
226.564	am	(P-18405/93;A-4885)
228.575	am	(P-6482)
228.640	am	(P-18405/93;A-4685)
226.660	am	(P-18405/93;A-4685)
228.682	am	(P-8482)
228.888	am	(P-18405/93;A-4685)
228.690	am	(P-18405/93;A-4685)
245.10	n	(P-10131/93;A-237)
245.20	n	(P-10131/93;A-237)
245.30	n	(P-10131/93;A-237)
245.40	n	(P-10131/93;A-237)
245.50	n	(P-10131/93;A-237)
245.80	n	(P-10131/93;A-237)
245.70	n	(P-10131/93;A-237)
252.20	am	(P-8557)
252.25	n	(P-6557)
252.30	am	(P-8557)
401.10	n	(P-9758)
	r	(P-9733)
401.20	n	(P-8756)
	r	(P-9733)
401.30	n	(P-9756)
	r	(P-9733)
410.40	r	(P-9733)
410.50	r	(P-9733)
410.60	r	(P-9733)
410.70	r	(P-9733)
410.80	r	(P-9733)
410.90	r	(P-9733)
410.100	r	(P-9733)
401.110	n	(P-9758)
	r	(P-9733)
401.120	n	(P-9756)
	r	(P-9733)
401.130	n	(P-9756)
	r	(P-9733)
401.140	n	(P-9756)
	r	(P-9733)
401.150	n	(P-9756)
401.210	n	(P-9756)
401.220	n	(P-9756)
401.230	n	(P-9756)
401.240	n	(P-9756)
401.250	n	(P-9756)
401.260	n	(P-9756)
401.270	n	(P-9756)
401.280	n	(P-9756)
525.10	n	(P-9761)
525.20	n	(P-9781)
525.30	n	(P-9781)
525.40	n	(P-9781)
525.50	n	(P-9781)
525.60	n	(P-9781)
525.100	n	(P-9781)
525.110	n	(P-9781)
525.120	n	(P-9781)
525.130	n	(P-8781)
525.140	n	(P-9781)
525.150	n	(P-9761)
525.160	n	(P-9761)
550.50	r	(P-17611/93;A-5551)
550.100	r	(P-17611/93;A-5551)
550.200	r	(P-17611/93;A-5551)
550.300	r	(P-17611/93;A-5551)
550.400	r	(P-17611/93;A-5551)
550.500	r	(P-17611/93;A-5551)
550.600	r	(P-17611/93;A-5551)
550.700	r	(P-17611/93;A-5551)
810.10	r	(P-17803/93;A-5549)
610.20	r	(P-17603/93;A-5549)
810.30	r	(P-17803/93;A-5549)
810.40	r	(P-17603/93;A-5549)
610.50	r	(P-17603/93;A-5549)
810.60	r	(P-17603/93;A-5549)
1020.10	am	(P-17639/93;A-4174)
1020.40	am	(P-17639/93;A-4174)
1040.50	am	(P-17639/93;A-4174)
1300.10	am	(P-5515)
1300 20	am	(P-5515)
1300.30	am	(P-5515)
1300.40	am	(P-5515)
1300.50	am	(P-5515)
1300.60	am	(P-5515)
1300.70	am	(P-5515)
1300.90	am	(P-5515)
1300.100	am	(P-5515)
1300.120	am	(P-5515)
1300.130	am	(P-5515)
1300.140	am	(P-5515)
1300.150	am	(P-5515)
1300.160	am	(P-5515)
1300.170	am	(P-5515)
1300.180	am	(P-5515)
1300.190	am	(P-5515)
1501.301	am	(P-569;A-8906)
1501.302	am	(P-569;A-8906)
1501.501	am	(P-3308;A-13997) (EC-3027)
2700.20	am	(P-1037;A-10282)
2700.30	am	(P-1037;A-10282)
2700.40	am	(P-1037,A-10282)
2700.50	am	(P-1037;A-10282)
2700.60	am	(P-1037;A-10282)
2720.6	am	(P-1013;A-10254)
2720.10	am	(P-1013;A-10254)
2720.20	am	(P-1013;A-10254)
2720.30	am	(P-1013;A-10254)
2720.35	n	(P-1013;A-10254)
2720.40	am	(P-1013;A-10254)
2720.41	am	(P-1013;A-10254)
2720.42	am	(P-1013;A-10254)
2720.50	am	(P-1013;A-10254)
2720.55	am	(P-1013;A-10254)
2720.70	n	(P-1013;A-10254)
2720.80	am	(P-1013;A-10254)
2720.90	am	(P-1013;A-10254)
2730.5	am	(P-1058;A-10303)
2730.20	am	(P-1058;A-10303)
2731.10	am	(P-1054;A-10299)
2731.20	am	(P-1054;A-10299)
2732.10	am	(P-1098;A-10342)
2732.20	am	(P-1098;A-10342)
2733.20	am	(P-1064;A-10309)
2733.30	am	(P-1064;A-10309)
2760.30	am	(P-1603;A-10346)
2760.40	am	(P-1803;A-10346)
2761.10	am	(P-1073;A-10318)
2761.20	am	(P-1073;A-10318)
2781.30	am	(P-1073;A-10318)
2762.20	am	(P-1069;A-10333)
2762.30	am	(P-1069;A-10333)
2762.40	am	(P-1089;A-10333)
2763.20	am	(P-1080;A-10325)
2763.40	am	(P-1080;A-10325)
2763.50	am	(P-1080;A-10325)
2770.30	am	(P-1102;A-10354)
2771.30	am	(P-1008;A-10248)
2771.Ap.A	am	(P-1008;A-10246)
2772.10	ra	(A-10279)
2772.20	ra	(A-10279)

(Title 23, cont.)

2772.100	re	(A-10279)
2772.110	re	(A-10279)
2772.120	re	(A-10276)
2772.140	re	(A-10279)
2772.200	re	(A-10279)
2772.210	re	(A-10279)
2772.220	re	(A-10279)
2772.230	re	(A-10279)
2772.240	re	(A-10279)
2772.300	re	(A-10279)
2772.310	re	(A-10279)
2772.320	re	(A-10279)
2772.330	re	(A-10279)
2772.340	re	(A-10279)
2772.350	re	(A-10279)
2772.400	re	(A-10279)
2772.410	re	(A-10279)
2772.420	re	(A-10279)
2772.430	re	(A-10279)
2772.440	re	(A-10279)
2772.450	re	(A-10279)
2772.500	re	(A-10279)
2772.510	re	(A-10279)
2772.520	re	(A-10279)
2772.530	re	(A-10279)
2772.540	re	(A-10279)
3030.10	am	(P-19072/93;A-7452)
3030.20	am	(P-19072/93;A-7452)
3030.25	am	(P-19072/93;A-7452)
3030.35	am	(P-19072/93;A-7452)
3030.45	r	(P-19072/63;A-7452)
3030.55	r	(P-19072/93;A-7452)
3030.65	am	(P-19072/93;A-7452)
3030.70	r	(P-19072/93;A-7452)
3030.75	am	(P-19072/93;A-7452)
3030.80	am	(P-19072/93;A-7452)
3030.65	am	(P-19072/93;A-7452)
3030.90	am	(P-18072/83;A-7452)
3030.100	am	(P-18072/93;A-7452)
3030.105	am	(P-18072/93;A-7452)
3030.110	am	(P-19072/93;A-7452)
3030.121	n	(P-19072/93;A-7452)
3030.122	n	(P-19072/93;A-7452)
3030.123	n	(P-19072/93;A-7452)
3030.124	#,n	(P-19072/93;A-7452)
3030.125	n	(P-19072/93;A-7452)
3030.126	n	(P-19072/93;A-7452)
3030.127	n	(P-19072/93;A-7452)
3030.128	n	(P-19072/93;A-7452)
3030.129	n	(P-19072/93;A-7452)
3030.130	am	(P-19072/93;A-7452)
3030.135	#	(P-19072/93;A-7452)
3040.300	n	(P-18441/93;A-4990)
3040.310	n	(P-16441/93;A-4990)
3040.320	n	(P-16441/93;A-4990)
3040.330	n	(P-16441/93;A-4990)
3060.100	am	(P-18887/93;A-4996)
3060.200	am	(P-18887/93;A-4996)
3060.400	am	(P-18667/93;A-4998)
3060.500	am	(P-16667/93;A-4966)
3080.800	am	(P-16667/93;A-4998)
3060.600	am	(P-16667/93;A-4996)
3060.900	am	(P-18887/63;A-4996)
3080.1000	am	(P-16667/93;A-4998)
3080.2000	am	(P-18687/93;A-4996)
3070.100	am	(P-19480/93;A-4961)
3070.110	am	(P-19480/93;A-4961)
3070.120	am	(P-19460/93;A-4961)
3070.130	am	(P-19460/93;A-4961)
3070.140	am	(P-16460/93;A-4961)
3070.150	am	(P-19460/63;A-4961)
3070.180	am	(P-19460/93;A-4961)
3070.170	am	(P-19460/93;A-4981)

TITLE 26

125.425	am	(P-6509)

TITLE 29

300.10	r	(P-13865/93;A-8364)
300.20	r	(P-13885/93;A-8384)
300.30	r	(P-13885/93;A-8364)
300.40	r	(P-13865/93;A-8364)
300.50	r	(P-13865/93;A-6364)
300.60	r	(P-13665/93;A-6364)
300.70	r	(P-13665/93;A-8364)
300.60	r	(P-13885/93;A-6364)
510.10	r	(P-13675/93;A-6362)
510.20	r	(P-13675/93;A-6362)
510.30	r	(P-13875/93;A-6362)
510.40	r	(P-13675/93;A-6362)
510.50	r	(P-13675/93;A-6362)
1300.10	n	(P-13665/93;A-6366)
1300.20	n	(P-13865/93;A-6366)
1300.30	n	(P-13865/93;A-6386)
1300.40	n	(P-13885/93;A-8366)
1300.50	n	(P-13885/93;A-8386)
1300.60	n	(P-13885/93;A-6386)
1310.10	n	(P-13843/93;A-6394)
1310.20	n	(P-13643/93;A-6394)
1310.30	n	(P-13643/93;A-8394)
1310.40	n	(P-13843/93;A-8394)
1310.50	n	(P-13643/93;A-6394)

TITLE 32

320.10	am	(P-8693/93;A-3363)
320.15	n	(P-8893/83;A-3363)
320.30	am	(P-8693/93;A-3363)
320.40	am	(P-8893/93;A-3363)
330.10	am	(P-14417/93;A-5553)
330.15	n	(P-14417/93;A-5553)
330.30	am	(P-14417/93;A-5553)
330.40	am	(P-14417/93;A-5553)
330.200	am	(P-14417/93;A-5553)
330.210	am	(P-14417/93;A-5553)
330.220	am	(P-14417/93;A-5553)
330.240	am	(P-14417/93;A-5553)
330.250	am	(P-14417/93;A-5553)
330.260	am	(P-14417/93;A-5553)
330.270	am	(P-14417/93;A-5553)
330.280	am	(P-14417/93;A-5553)
330.300	am	(P-14417/93;A-5553)
330.310	am	(P-14417/93;A-5553)
330.320	am	(P-14417/93;A-5553)
330.400	am	(P-14417/93;A-5553)
330.900	am	(P-14417/83;A-5553)
330.Ap.A	am	(P-14417/93;A-5553)
330.Ap.B	am	(P-14417/83;A-5553)
330.Ap.D	am	(P-14417/63;A-5553)
330.Ap.G	am	(P-14417/93;A-5553)
330.Ap.H	am	(P-14417/93;A-5553)
331.10	am	(P-3045)
331.20	am	(P-3045)
331.30	am	(P-3045)
331.110	am	(P-3045)
331.120	am	(P-3045)
331.130	am	(P-3045)
331.20	am	(P-3045)
331.Ap.B	r	(P-3045)
331.Ap.D	n	(P-3045)
332.170	am	(P-10701/93;A-3128)
333.10	n	(P-9797/93;A-2615)
333.20	n	(P-9797/93;A-2615)
333.30	n	(P-9797/93;A-2815)
333.40	n	(P-9797/93;A-2615)
333.50	n	(P-9797/93;A-2815)
333.60	n	(P-9797/93;A-2815)
335.10	am	(P-20122/93;A-7308)
335.15	n	(P-20122/93;A-7308)
335.20	am	(P-20122/93;A-7308)
335.30	am	(P-20122/93;A-7308)
335.1010	am	(P-20122/63;A-7306)
335.1020	am	(P-20122/93;A-7308)
335.1030	am	(P-20122/93;A-7308)
335.1040	am	(P-20122/93;A-7308)
335.1050	am	(P-20122/93;A-7308)
335.1060	am	(P-20122/93;A-7308)
335.1070	am	(P-20122/93;A-7308)
335.1080	am	(P-20122/93;A-7306)
335.1090	am	(P-20122/93;A-7308)
335.2010	am	(P-20122/93;A-7306)
335.2020	am	(P-20122/93;A-7308)
335.2030	am	(P-20122/93;A-7308)
335.2040	am	(P-20122/93;A-7308)
335.2050	am	(P-20122/93;A-7308)
335.2060	am	(P-20122/93;A-7308)
335.2070	am	(P-20122/93;A-7308)
335.2080	am	(P-20122/93;A-7306)
335.2090	am	(P-20122/93;A-7306)
335.2100	am	(P-20122/93;A-7308)
335.2110	am	(P-20122/93;A-7308)
335.2120	am	(P-20122/93;A-7308)
335.2130	am	(P-20122/93;A-7306)
335.3010	am	(P-20122/93;A-7308)
335.4010	am	(P-20122/93;A-7308)
335.4020	am	(P-20122/83;A-7306)
335.4030	am	(P-20122/93;A-7308)
335.5010	am	(P-20122/93;A-7308)
335.5020	am	(P-20122/93;A-7308)
335.5030	am	(P-20122/83;A-7306)
335.7010	am	(P-20122/93;A-7308)
335.7020	am	(P-20122/93;A-7308)
335.7030	am	(P-20122/93;A-7308)
335.7040	am	(P-20122/93;A-7308)
335.7050	am	(P-20122/93;A-7308)
335.8010	am	(P-20122/93;A-7308)
335.8020	am	(P-20122/93;A-7308)
335.6030	am	(P-20122/93;A-7308)
335.6040	am	(P-20122/93;A-7308)
335.8050	am	(P-20122/93;A-7308)
335.8060	am	(P-20122/93;A-7306)
335.8060	am	(P-20122/93;A-7308)
335.6090	am	(P-20122/93;A-7308)
335.6100	am	(P-20122/93;A-7306)
335.6120	am	(P-20122/93;A-7308)
335.6130	am	(P-20122/63;A-7306)
335.8140	am	(P-20122/93;A-7306)
335.8150	am	(P-20122/93;A-7306)
335.9010	am	(P-20122/93;A-7308)
335.9020	am	(P-20122/63;A-7308)
335.9030	am	(P-20122/83;A-7306)
335.9040	am	(P-20122/83;A-7308)
335.9050	am	(P-20122/93;A-7306)
335.9060	am	(P-20122/93;A-7308)

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335.9070	am	(P-20122/63;A-7308)
335.9080	am	(P-20122/93;A-7306)
335.9090	am	(P-20122/93;A-7308)
335.8100	am	(P-20122/93;A-7306)
335.9120	am	(P-20122/93;A-7308)
335.9130	am	(P-20122/93;A-7308)
335.9140	am	(P-20122/93;A-7308)
335.8150	am	(P-20122/93;A-7308)
335.9160	am	(P-20122/93;A-7308)
335.9170	am	(P-20122/93;A-7308)
335.9160	am	(P-20122/93;A-7308)
341.10	am	(P-13933/83;A-4186)
341.15	n	(P-13933/93;A-4196)
341.20	am	(P-13933/93;A-4196)
341.40	am	(P-13933/93;A-4196)
341.50	am	(P-13933/93;A-4196)
341.80	am	(P-13933/93;A-4196)
341.70	am	(P-13933/93;A-4196)
341.80	am	(P-13933/93;A-4196)
341.90	am	(P-13933/93;A-4196)
341.100	am	(P-13933/93;A-4196)
341.110	am	(P-13933/93;A-4196)
341.120	am	(P-13933/93;A-4196)
341.140	am	(P-13933/93;A-4196)
341.150	am	(P-13933/93;A-4196)
341.160	am	(P-13933/93;A-4198)
341.170	am	(P-13933/93;A-4196)
341.160	am	(P-13933/93;A-4196)
341.190	am	(P-13933/63;A-4196)
341.200	am	(P-13933/93;A-4198)
341.Ap.A	r	(P-13933/93;A-4196)
341.Tb.A	r	(P-13933/93;A-4198)
341.Tb.B	r	(P-13933/93;A-4196)
341.Tb.C	r	(P-13933/93;A-4196)
341.Tb.D	r	(P-13933/93;A-4196)
350.10	am	(P-13882/93;A-7283)
350.20	am	(P-13882/93;A-7263)
350.25	n	(P-13882/93;A-7263)
350.30	am	(P-13882/93;A-7283)
350.40	n	(P-13882/93;A-7283)
350.50	n	(P-13882/83;A-7283)
350.1000	n	(P-13882/93;A-7263)
350.1005	am	(P-13882/93;A-7263)
350.1010	am	(P-13862/83;A-7283)
350.1020	am	(P-13862/93;A-7263)
350.1030	am	(P-13882/93;A-7263)
350.1040	am	(P-13862/93;A-7263)
350.1050	am	(P-13862/93;A-7263)
350.1080	am	(P-13862/93;A-7283)
350.1070	am	(P-13882/93;A-7263)
350.1060	am	(P-13882/93;A-7263)
350.2010	am	(P-13882/93;A-7263)
350.2020	am	(P-13882/93;A-7283)
350.2030	am	(P-13882/93;A-7283)
		(EC-8956)
350.2040	am	(P-13882/93;A-7283)
350.3010	am	(P-13882/93;A-7263)
350.3020	am	(P-13662/93;A-7263)
350.3030	am	(P-13662/93;A-7263)
350.3040	am	(P-13662/93;A-7263)
350.1045	n	(P-13882/93;A-7263)
350.1048	n	(P-13662/93;A-7263)
350.3050	am	(P-13882/93;A-7283)
350.3060	r	(P-13862/63;A-7263)
350.3070	r	(P-13662/93;A-7263)
350.3060	r	(P-13882/93;A-7263)
350.3090	n	(P-13882/93;A-7283)
350.4000	n	(P-13662/93;A-7263)
350.4010	n	(P-13662/93;A-7263)
350.4020	n	(P-13662/93;A-7263)
350.4030	n	(P-13662/93;A-7263)
350.Ap.A	am	(P-13662/93;A-7263)
350.Ap.B	n	(P-13662/93;A-7263)
350.Ap.C	n	(P-13662/93;A-7263)
351.10	am	(P-6674/93;A-3344)
351.25	n	(P-8674/93;A-3344)
351.40	am	(P-6674/93;A-3344)
351.1010	am	(P-8874/93;A-3344)
351.1040	am	(P-8874/93;A-3344)
351.1050	am	(P-8874/93;A-3344)
351.1080	am	(P-8874/93;A-3344)
351.1070	am	(P-8874/93;A-3344)
351.1080	am	(P-8874/93;A-3344)
351.1090	am	(P-8874/93;A-3344)
351.1100	am	(P-8874/93;A-3344)
351.2010	am	(P-8874/93;A-3344)
351.2020	am	(P-6674/93;A-3344)
351.2030	am	(P-6674/93;A-3344)
351.3030	am	(P-8874/93;A-3344)
351.3040	am	(P-6674/93;A-3344)
351.4010	am	(P-6874/93;A-3344)
351.4020	am	(P-8674/93;A-3344)
351.4030	am	(P-6674/93;A-3344)
351.5010	am	(P-6874/93;A-3344)
351.Ap.B	am	(P-8874/63;A-3344)
360.10	am	(P-3996)
360.20	am	(P-3996)
360.30	am	(P-3996)
360.40	am	(P-3996)
360.50	am	(P-3996)
360.90	am	(P-3996)
360.100	am	(P-3996)
360.110	am	(P-3996)
360.120	am	(P-3996)
360.Ap.A	am	(P-3996)
360.Tb.A	am	(P-3996)
390.20	am	(P-8666/93;A-3143)
390.30	am	(P-8866/93;A-3143)
390.40	am	(P-6666/93;A-3143)
390.50	am	(P-6666/93;A-3143)
390.60	am	(P-6666/93;A-3143)
390.70	am	(P-8866/93;A-3143)
400.10	am	(P-8855/93;A-3132)
400.110	am	(P-8855/63;A-3132)
400.120	am	(P-8655/93;A-3132)
400.130	am	(P-8655/93;A-3132)
400.140	am	(P-8655/93;A-3132)
400.150	am	(P-8655/93;A-3132)
400.180	am	(P-6655/93;A-3132)
405.10	n	(P-3326)
405.20	n	(P-3326)
405.30	n	(P-3326)
405.40	n	(P-3326)
405.50	n	(P-3326)
405.60	n	(P-3326)
405.70	n	(P-3326)
405.80	n	(P-3326)
405.90	n	(P-3326)
405.100	n	(P-3326)
405.110	n	(P-3326)
405.120	n	(P-3326)
405.130	n	(P-3326)
405.140	n	(P-3326)
405.150	n	(P-3326)
405.Ap A	n	(P-3326)
505.10	n	(P-15220/93;A-2317)
505.20	n	(P-15220/83;A-2317)
505.30	n	(P-15220/63;A-2317)
505.40	n	(P-15220/93;A-2317)
505.50	n	(P-15220/93;A-2317)
505.60	n	(P-15220/83;A-2317)
505.70	n	(P-15220/93;A-2317)
505.80	n	(P-15220/83;A-2317)
505.62	n	(P-15220/83;A-2317)
505.64	n	(P-15220/93;A-2317)
505.66	n	(P-15220/63;A-2317)
505.90	n	(P-15220/93;A-2317)
505.100	n	(P-15220/93;A-2317)
505.110	n	(P-15220/93;A-2317)
505.120	n	(P-15220/93;A-2317)
505.130	n	(P-15220/93;A-2317)
505.140	n	(P-15220/93;A-2317)
505.150	n	(P-15220/93;A-2317)
505.160	n	(P-15220/93;A-2317)
505.170	n	(P-15220/93;A-2317)
505.180	n	(P-15220/93;A-2317)
505.190	n	(P-15220/93;A-2317)
505.1000	n	(P-15220/93;A-2317)
505.1100	n	(P-15220/93;A-2317)
505.1200	n	(P-15220/93;A-2317)
505.1300	n	(P-15220/93;A-2317)
505.1400	n	(P-15220/93;A-2317)
505.1500	n	(P-15220/93;A-2317)
505.1600	n	(P-15220/93;A-2317)
505.1700	n	(P-15220/93;A-2317)
505.1800	n	(P-15220/93;A-2317)
505.1900	n	(P-15220/93;A-2317)
505.2000	n	(P-15220/93;A-2317)
505.2100	n	(P-15220/93;A-2317)
505.2200	n	(P-15220/93;A-2317)
505.2300	n	(P-15220/93;A-2317)
505.2400	n	(P-15220/93;A-2317)
505.2500	n	(P-15220/93;A-2317)
505.2600	n	(P-15220/93;A-2317)
505.2700	n	(P-15220/93;A-2317)
505.2800	n	(P-15220/93;A-2317)
505.2900	n	(P-15220/93;A-2317)

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106.910	n	(P-16355/93;A-4230)
106.911	n	(P-16355/93;A-4230)
106.912	n	(P-16355/93;A-4230)
106.913	n	(P-16355/93;A-4230)
106.914	n	(P-16355/93;A-4230)
106.915	n	(P-16355/93;A-4230)
106.916	n	(P-16355/93;A-4230)
106.920	n	(P-16355/93;A-4230)
106.921	n	(P-16355/93;A-4230)
106.922	n	(P-16355/93;A-4230)
106.923	n	(P-16355/93;A-4230)
106.924	n	(P-16355/93;A-4230)
106.925	n	(P-16355/93;A-4230)
106.930	n	(P-959)
106.931	n	(P-959)
106.932	n	(P-959)
106.933	n	(P-959)
106.934	n	(P-959)
164.100	n	(P-4)
164.101	n	(P-4)
164.102	n	(P-4)
164.103	n	(P-4)
164.104	n	(P-4)
164.105	n	(P-4)

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184.108	n	(P-4)
184.200	n	(P-4)
184.201	n	(P-4)
184.202	n	(P-4)
184.203	n	(P-4)
184.204	n	(P-4)
184.205	n	(P-4)
184.206	n	(P-4)
184.207	n	(P-4)
184.300	n	(P-4)
164.301	n	(P-4)
184.302	n	(P-4)
164.400	n	(P-4)
184.401	n	(P-4)
184.402	n	(P-4)
164.403	n	(P-4)
184.500	n	(P-4)
184.501	n	(P-4)
184.502	n	(P-4)
184.503	n	(P-4)
184.504	n	(P-4)
184.505	n	(P-4)
184.506	n	(P-4)
201.101	em	(P-8347)
201.188	#	(P-8347)
201.187	#	(P-8347)
201.188	#,em	(P-8347)
201.207	#,n	(P-8347)
201.208	n	(P-8347)
201.209	#,n	(P-8347)
201.210	#,n	(P-8347)
201.211	n	(P-6347)
201.212	n	(P-6347)
201.302	em	(P-7838)
203.209	em	(P-16754/93;A-6335)
211.102	em	(P-8331)
211.270	n	(P-12491/93;A-1253)
211.1070	n	(P-12491/93;A-1253)
211.1920	n	(P-8331)
211.2030	n	(P-12491/93;A-1253)
211.2610	n	(P-12491/93;A-1253)
211.3460	n	(P-9228)
211.3500	n	(P-8331)
211.3820	n	(P-8331)
211.3850	em	(P-9228)
211.3880	n	(P-9228)
211.3950	n	(P-12491/93;A-1253)
211.3970	em	(P-9226)
211.3990	em	(P-9226)
211.4050	em	(P-12491/83;A-1253)
211.4260	n	(P-6331)
211.4630	n	(P-12491/93:A-1253)
211.4650	n	(P-12491/93;A-1253)
211.4970	n	(P-12491/93;A-1253)
211.5080	n	(P-7589)
211.5340	n	(P-6331)
211.5390	n	(P-12491/93;A-1253)
211.5530	n	(P-12491/93;A-1253)
211.8110	n	(P-12491/93;A-1253)
211.6170	n	(P-12491/93;A-1253)
211.6250	n	(P-12461/93;A-1253)
211.8355	n	(P-6331)
211.8380	n	(P-8331)
211.8830	n	(P-12491/93;A-1253)
211.8850	n	(P-12491/93;A-1253)
211.6710	n	(P-12481/83;A-1253)
211.6830	n	(P-12491/93;A-1253)
211.7050	n	(P-12491/93;A-1253)
212.113	em	(P-987)
212.700	n	(P-867)
212.701	n	(P-967)
212.702	n	(P-987)
212.703	n	(P-987)
212.704	n	(P-987)
212.705	n	(P-987)
218.101	em	(P-9242)
216.108	em	(P-12491/93;A-1945)
	em	(P-9242)
218.108	em	(P-12491/83;A-1945)
218.112	em	(P-12491/93;A-1845)
	em	(P-7602)
218.114	n	(P-12491/93;A-1945)
218.402	em	(P-12491/93;A-1945)
216.583	em	(P-7602)
216.602	em	(P-12491/93;A-1945)
218.611	em	(P-12491/93;A-1945)
218.620	em	(P-12491/93;A-1945)
218.623	r	(P-12491/93;A-1945)
218.680	n	(P-12491/93;A-1945)
218.688	n	(P-12481/93;A-1945)
218.667	em	(P-12491/93:A-1945)
218.666	n	(P-12491/93;A-1945)
218.870	n	(P-12491/93;A-1945)
218.872	n	(P-12491/93;A-1945)
218.880	n	(P-12491/93;A-1945)
218.886	n	(P-12491/93;A-1945)
218.888	n	(P-12491/93;A-1945)
218.890	n	(P-12491/93;A-1945)
218.692	n	(P-12491/93;A-1945)
218.760	n	(P-9242)
218.762	n	(P-9242)
218.764	n	(P-9242)
218.766	n	(P-9242)
218.768	n	(P-9242)
218.770	n	(P-9242)
218.920	em	(P-12491/93;A-1945)
	em	(P-9242)
218.923	r	(P-12491/93;A-1945)
216.926	em	(P-12491/93;A-1945)
216.940	em	(P-12491/93;A-1945)
	em	(P-9242)
218.943	r	(P-12491/93;A-1945)
218.948	em	(P-12491/93;A-1945)
218.980	n	(P-12491/93;A-1945)
	em	(P-9242)
218.983	r	(P-12491/93;A-1945)
218.888	em	(P-12491/93;A-1945)
218.960	em	(P-12491/93;A-1945)
	em	(P-6242)
218.983	r	(P-12491/93;A-1945)
216.988	em	(P-12491/93;A-1945)
216.991	n	(P-12491/93;A-1945)
218.Ap.E	n	(P-9242)
219.101	em	(P-9272)
219.106	em	(P-9272)
219.112	em	(P-7818)
219.583	em	(P-7818)
219.565	em	(P-7818)
219.586	r	(P-6295/93;A-4242)
219.780	em	(P-9272)
219.782	em	(P-9272)
216.784	em	(P-9272)
219.786	em	(P-9272)
219.788	em	(P-9272)
219.770	em	(P-9272)
219.720	em	(P-9272)
219.940	em	(P-9272)
219.960	em	(P-9272)
219.980	em	(P-8272)
219.Ap.E	em	(P-9272)
270.101	n	(P-18325/93;A-9425)
270.102	n	(P-18325/93;A-8425)
270.103	n	(P-18325/93;A-9425)
270.104	n	(P-18325/93;A-9425)
270.105	n	(P-18325/93;A-9425)
270.106	n	(P-18325/93;A-9425)
270.107	n	(P-18325/83;A-8425)
270.106	n	(P-18325/93;A-9425)
270.201	n	(P-16325/93;A-9425)
270.202	n	(P-18325/93;A-9425)
270.301	n	(P-16325/93;A-9425)
270.302	n	(P-16325/93;A-9425)
270.303	n	(P-16325/93;A-9425)
270.304	n	(P-18325/93;A-9425)
270.305	n	(P-16325/93;A-9425)
270.306	n	(P-16325/93;A-9425)
270.307	n	(P-18325/93;A-9425)
270.308	n	(P-18325/93;A-9425)
270.401	n	(P-18325/93;A-9425)
270.402	n	(P-18325/83;A-9425)
270.403	n	(P-18325/93;A-9425)
270.404	n	(P-18325/93;A-9425)
270.405	n	(P-18325/93;A-9425)
270.406	n	(P-18325/93;A-9425)
270.407	n	(P-16325/93;A-9425)
270.408	n	(P-18325/93;A-9425)
270.409	n	(P-16325/93;A-9425)
270.410	n	(P-16325/93;A-9425)
270.411	n	(P-18325/93;A-9425)
270.412	n	(P-18325/93;A-9425)
270.413	n	(P-16325/93;A-9425)
270.501	n	(P-16325/93;A-9425)
270.405	n	(P-16325/93;A-9425)
270.408	n	(P-18325/93;A-9425)
270.407	n	(P-16325/93;A-9425)
270.408	n	(P-18325/93;A-9425)
270.409	n	(P-16325/93;A-9425)
270.410	n	(P-16325/93;A-9425)
270.411	n	(P-16325/93;A-9425)
270.412	n	(P-18325/93;A-9425)
270.413	n	(P-18325/93;A-9425)
270.501	n	(P-18325/93;A-9425)
270.502	n	(P-18325/93;A-9425)
270.503	n	(P-18325/93;A-9425)
270.504	n	(P-18325/93;A-9425)
270.601	n	(P-18325/93;A-9425)
270.602	n	(P-18325/93;A-9426)
270.603	n	(P-18325/93;A-9425)
270.604	n	(P-16325/93;A-9425)
270.605	n	(P-18325/93;A-9425)
270.606	n	(P-16325/93;A-9425)
270.607	n	(P-18325/93;A-9425)
270.608	n	(P-16325/93;A-9425)
270.609	n	(P-16325/93;A-9425)
303.400	n	(P-12491/93;A-2961)
304.213	em	(P-15223/93;A-267)
304.303	n	(P-2560)
370.100	re	(A-8375)
370.200	re	(A-8375)
370.210	re	(A-8375)
370.220	re	(A-8375)
370.230	re	(A-8375)
370.240	re	(A-8375)

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370.250	re	(A-8375)
370.260	re	(A-6375)
370.300	re	(A-8375)
370.340	re	(A-6375)
370.350	re	(A-6375)
370.400	re	(A-8375)
370.410	re	(A-8375)
370.420	re	(A-8375)
370.430	re	(A-8375)
370.440	re	(A-8375)
370.450	re	(A-8375)
370.460	re	(A-8375)
370.470	re	(A-8375)
370.500	re	(A-8375)
370.510	re	(A-8375)
370.520	re	(A-6375)
370.530	re	(A-6375)
370.540	re	(A-6375)
370.550	re	(A-6375)
370.560	re	(A-6375)
370.570	re	(A-6375)
370.800	re	(A-6375)
370.810	re	(A-6375)
370.620	re	(A-6375)
370.700	re	(A-6375)
370.710	re	(A-6375)
370.720	re	(A-6375)
370.730	re	(A-6375)
370.740	re	(A-6375)
370.750	re	(A-6375)
370.800	re	(A-6375)
370.810	re	(A-6375)
370.820	re	(A-6375)
370.830	re	(A-8375)
370.840	re	(A-6375)
370.850	re	(A-6375)
370.860	re	(A-6375)
370.870	re	(A-6375)
370.900	re	(A-6375)
370.810	re	(A-6375)
370.920	re	(A-6375)
370.930	re	(A-6375)
370.940	re	(A-6375)
370.1000	re	(A-6375)
370.1010	re	(A-6375)
370.1030	re	(A-6375)
370.1040	re	(A-6375)
370.1050	re	(A-6375)
370.1060	re	(A-6375)
370.1070	re	(A-6375)
370.1080	re	(A-6375)
370.1100	re	(A-6375)
370.1110	re	(A-6375)
370.1120	re	(A-6375)
370.1130	re	(A-6375)
370.1200	re	(A-8375)
370.1210	re	(A-8375)
370.Ap.A	re	(A-6375)
370.Ap.B	re	(A-8375)
370.Ap.C	re	(A-6375)
370.Ap.D	re	(A-6375)
370.Ap.E	re	(A-8375)
370.Ap.F	re	(A-8375)
370.Ap.G	re	(A-6375)
370.Ap.H	re	(A-8375)
372.100	n	(P-4524)
372.110	n	(P-4524)
372.200	n	(P-4524)
372.210	n	(P-4524)
372.220	n	(P-4524)
372.230	n	(P-4524)
372.240	n	(P-4524)
372.250	n	(P-4524)
372.300	n	(P-4524)
372.310	n	(P-4524)
372.400	n	(P-4524)
372.410	n	(P-4524)
372.420	n	(P-4524)
372.430	n	(P-4524)
372.500	n	(P-4524)
372.510	n	(P-4524)
399.10	n	(P-2552;A-9470)
399.20	n	(P-2552;A-9470)
399.30	n	(P-2552;A-9470)
399.40	n	(P-2552;A-9470)
399.50	n	(P-2552;A-9470)
399.60	n	(P-2552;A-9470)
399.110	n	(P-2552;A-9470)
399.120	n	(P-2552;A-9470)
399.130	n	(P-2552;A-9470)
399.140	n	(P-2552;A-9470)
399.Ap.A	n	(P-2552;A-9470)
811.101	em	(P-7642)
811.102	em	(P-7642)
611.212	em	(P-7642)
611.532	em	(P-7842)
611.602	em	(P-7642)
611.603	em	(P-7642)
611.607	em	(P-7642)
611.609	em	(P-7642)
611.612	em	(P-7642)
611.646	em	(P-7642)
611.648	em	(P-7642)
611.685	em	(P-7642)
611.851	em	(P-7642)
611.856	em	(P-7642)
611.Ap.A	em	(P-7642)
611.609	em	(P-7642)
620.125	em	(P-5113)
620.210	em	(P-5113)
620.260	em	(P-5113)
620.302	em	(P-5113)
620.310	em	(P-5113)
620.410	em	(P-5113)
620.420	em	(P-5113)
620.605	em	(P-5113)
670.101	n	(P-18730/93;A-10122)
670.102	n	(P-18730/93;A-10122)
670.103	n	(P-18730/93;A-10122)
670.104	n	(P-18730/93;A-10122)
670.105	n	(P-16730/93;A-10122)
670.106	n	(P-16730/93;A-10122)
870.107	n	(P-18730/93;A-10122)
670.201	n	(P-16730/93;A-10122)
870.203	n	(P-18730/93;A-10122)
670.205	n	(P-18730/93;A-10122)
670.207	n	(P-18730/93;A-10122)
670.209	n	(P-18730/93;A-10122)
670.211	n	(P-18730/93;A-10122)
670.213	n	(P-18730/93;A-10122)
670.215	n	(P-18730/93;A-10122)
670.217	n	(P-18730/93;A-10122)
670.301	n	(P-18730/93;A-10122)
670.401	n	(P-18730/93;A-10122)
670.501	n	(P-18730/93;A-10122)
702.110	em	(P-408;A-6918)
703.110	em	(P-6580)
703.205	em	(P-6580)
703.223	em	(P-6580)
703.232	em	(P-8580)
703.Ap.A	em	(P-419;A-8898)
720.110	em	(P-337;A-6720)
720.111	em	(P-8553)
720.122	em	(P-6553)
721.103	em	(P-357;A-8741)
721.104	em	(P-357;A-8741)
721.105	em	(P-357;A-6741)
721.106	em	(P-357:A-8741)
721.122	em	(P-6526)
721.124	em	(P-6526)
721.Ap.6	em	(P-6528)
721.Ap.C	em	(P-8528)
721.Ap.J	em	(P-6526)
724.101	em	(P-439;A-6973)
		(C-5015)
724.103	em	(P-439;A-6973)
724.201	em	(P-439;A-6973)
724.290	em	(P-6641)
724.351	em	(P-439;A-6973)
724.414	em	(P-8641)
724.652	n	(P-439;A-6973)
724.653	n	(P-439;A-6973)
725.101	em	(P-377,A-6771)
		(C-5011)
725.243	em	(P-337;A-6771)
725.290	em	(P-6568)
725.414	em	(P-6568)
725.543	em	(P-337;A-6771)
726.203	em	(P-6600)
726.204	em	(P-6600)
726.206	em	(P-6600)
726.212	em	(P-6600)
726.Ap.G	em	(P-6600)
728.101	em	(C-5013)
728.102	em	(P-388;A-6799)
		(C-5013)
728.107	em	(P-388;A-6799)
		(C-5013)(P-6535)
726.109	em	(P-388;A-6799)
		(C-5013)
728.135	em	(P-388;A-8799)
728.136	em	(P-388;A-8799)
728.137	em	(P-388;A-6799)
		(C-5013)
728.140	em	(P-388;A-6799)
		(C-5013)(P-6535)
728.141	em	(P-388;A-6799)
		(C-5013)(P-8535)
728.142	em	(P-388;A-6799)
728.145	em	(P-388;A-6799)
728.148	em	(P-388;A-6799)
728.150	em	(P-388;A-6799)
728.Ap.A	em	(P-6535)
728.Ap.6	em	(P-388;A-6799)
		(P-6535)
728.Tb.A	em	(P-388;A-6799)
728.Tb.6	em	(P-388;A-8799)
		(C-5013)
728.Tb.D	em	(P-388;A-6799)
		(C-5013)
728.Tb.F	em	(P-386;A-8799)
732.100	n	(P-5403)
732.101	n	(P-5403)

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732.102	n	(P-5403)
732.103	n	(P-5403)
732.104	n	(P-5403)
732.105	n	(P-5403)
732.200	n	(P-5403)
732.201	n	(P-5403)
732.202	n	(P-5403)
732.203	n	(P-5403)
732.204	n	(P-5403)
732.300	n	(P-5403)
732.301	n	(P-5403)
732.302	n	(P-5403)
732.303	n	(P-5403)
732.304	n	(P-5403)
732.305	n	(P-5403)
732.308	n	(P-5403)
732.307	n	(P-5403)
732.308	n	(P-5403)
732.309	n	(P-5403)
732.310	n	(P-5403)
732.311	n	(P-5403)
732.401	n	(P-5403)
732.402	n	(P-5403)
732.403	n	(P-5403)
732.404	n	(P-5403)
732.405	n	(P-5403)
732.406	n	(P-5403)
732.407	n	(P-5403)
732.408	n	(P-5403)
732.409	n	(P-5403)
732.410	n	(P-5403)
732.500	n	(P-5403)
732.501	n	(P-5403)
732.502	n	(P-5403)
732.503	n	(P-5403)
732.504	n	(P-5403)
732.505	n	(P-5403)
732.600	n	(P-5403)
732.601	n	(P-5403)
732.602	n	(P-5403)
732.603	n	(P-5403)
732.604	n	(P-5403)
732.605	n	(P-5403)
732.606	n	(P-5403)
732.607	n	(P-5403)
732.608	n	(P-5403)
732.609	n	(P-5403)
732.610	n	(P-5403)
732.611	n	(P-5403)
732.612	n	(P-5403)
732.Ap.A	n	(P-5403)
732.Ap.B	n	(P-5403)
739.100	am	(P-455)
739.110	am	(P-455)
739.111	am	(P-455)
739.112	am	(P-455)
739.121	am	(P-455)
739.122	am	(P-455)
739.123	am	(P-455)
739.124	am	(P-455)(C-5017)
739.140	am	(P-455)
739.141	am	(P-455)
739.142	am	(P-455)(C-5017)
739.143	am	(P-455)(C-5017)
739.145	am	(P-455)
739.148	am	(P-455)(C-5017)
739.151	am	(P-455)(C-5017)
739.152	am	(P-455)
739.154	am	(P-455)
739.158	am	(P-455)(C-5017)
739.157	am	(P-455)(C-5017)
739.158	am	(P-455)(C-5017)
739.160	am	(P-455)
739.162	am	(P-455)(C-5017)
739.164	am	(P-455)
739.165	am	(P-455)(C-5017)
739.170	am	(P-455)
739.171	am	(P-455)(C-5017)
739.172	am	(P-455)
739.173	am	(P-455)(C-5017)
739.174	am	(P-455)(C-5017)
810.103	am	(P-8702/93;A-1268)
810.104	am	(P-8702/93;A-1268)
811.101	am	(P-8726/93;A-1308) (C-4434)
811.107	am	(P-8726/93;A-1308) (C-4434)
811.110	am	(P-8726/93;A-1308) (C-4434)
811.111	am	(P-8726/93;A-1308) (C-4434)
811.112	n	(P-8726/93;A-1308) (C-4434)
811.302	am	(P-8726/93;A-1308) (C-4434)
811.303	am	(P-8726/93;A-1308) (C-4434)
811.309	am	(P-8726/93;A-1308) (C-4434)
811.310	am	(P-8726/93;A-1308) (RQ-3021)(EC-7504) (C-4434)
811.311	am	(P-8726/93;A-1308) (C-4434)
811.314	am	(P-8726/93;A-1308) (C-4434)
811.318	am	(P-8726/93;A-1308) (C-4434)
811.319	am	(P-8726/93;A-1308) (C-4434)
811.320	am	(P-8726/93;A-1308) (C-4434)
811.323	am	(P-8726/93;A-1308) (C-4434)
811.324	n	(P-8726/93;A-1308) (C-4434)
811.325	n	(P-8726/93;A-1308) (C-4434)
811.326	n	(P-8726/93;A-1308) (C-4434)
811.700	am	(P-8726/93;A-1308) (C-4434)
811.701	am	(P-8726/93;A-1308) (C-4434)
811.702	am	(P-8726/93;A-1308) (C-4434)
811.703	am	(P-8726/93;A-1308) (C-4434)
811.704	am	(P-8726/93;A-1308) (C-4434)
811.705	am	(P-8726/93;A-1308) (C-4434)
811.706	am	(P-8726/93;A-1308) (C-4434)
811.707	am	(P-8726/93;A-1308) (C-4434)
811.708	am	(P-8726/93;A-1308) (C-4434)
811.709	am	(P-8726/93;A-1308) (C-4434)
811.710	am	(P-8726/93;A-1308) (C-4434)
811.711	am	(P-8726/93;A-1308) (C-4434)
811.712	am	(P-8726/93;A-1308) (C-4434)
811.713	am	(P-8726/93;A-1308) (C-4434)
811.714	am	(P-8726/93;A-1308) (C-4434)
811.715	am	(P-8726/93;A-1308) (C-4434)
811.Ap.A II.A	am	(P-8726/93;A-1308) (C-4434)
II.C	am	(P-8726/93;A-1308) (C-4434)
II.D	am	(P-8726/93;A-1308) (C-4434)
II.E	am	(P-8726/93;A-1308) (C-4434)
811.Ap.B	am	(P-8726/93;A-1308) (C-4434)
813.106	am	(P-16920/93;A-2409) (EC-3018)
814.101	am	(P-8714/93;A-1284)
814.102	am	(P-8714/93;A-1284)
814.103	am	(P-8714/93;A-1284)
814.104	am	(P-8714/93;A-1284)
814.105	am	(P-8714/93;A-1284)
814.107	n	(P-8714/93;A-1284)
	am	(E-8488)
814.108	n	(P-8714/93;A-1284)
814.109	n	(P-8714/93;A-1284)
814.302	am	(P-8714/93;A-1284)
814.402	am	(P-8714/93;A-1284)
814.501	am	(P-8714/93;A-1284)
814.Ap.A	n	(P-8714/93;A-1284)
817.309	n	(P-8246)
835.107	am	(E-

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130.10	am	(P-6929/93/93)(W-6454)
130.30	am	(P-6929/93/93)(W-6454)
130.60	am	(P-6929/93/93)(W-6454)
380.10	n	(P-19347/93;A-4630)
380.20	n	(P-19347/93;A-4630)
380.30	n	(P-19347/93;A-4630)
610.10	n	(P-7168)(C-8172)
610.20	n	(P-7168)(C-8172)
610.30	n	(P-7168)(C-8172)
610.40	n	(P-7168)(C-8172)
610.50	n	(P-7188)(C-8172)
610.60	n	(P-7188)(C-8172)
610.70	n	(P-7188)(C-8172)
610.80	n	(P-7188)(C-8172)
610.Ex.A	n	(P-7188)(C-8172)
610.Ex.B	n	(C-7168)(C-8172)
610.Ex.C	n	(C-7188)(C-8172)
610.Ex.D	n	(C-7188)(C-8172)
1075.1100	am	(P-9858)
1075.1105	r,n	(P-9858)

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1075.1110	r,n	(P-9858)
1075.1115	r,n	(P-9858)
1075.1120	r,n	(P-9858)
1075.1130	r	(P-9858)
1075.1135	r	(P-9858)
1075.1140	r	(P-9858)
1075.1145	r	(P-9858)
1075.1150	r	(P-9858)
1075.1155	r	(P-9858)
1075.1160	r	(P-9858)
1075.1165	r	(P-9858)
1075.1170	r	(P-9858)
1075.1175	r	(P-9858)
1075.1180	r	(P-9858)
1075.1185	r	(P-9858)
1075.1190	r	(P-9858)
1075.1195	r	(P-9858)
1075.1200	r	(P-9858)
1075.1205	r	(P-9858)
1075.1210	am	(P-9858)
1075.1215	am	(P-9858)
1075.1220	am	(P-9858)
1075.1225	r,n	(P-9858)
1075.1230	am	(P-9858)
1075.1235	am	(P-9858)
1075.1240	am	(P-9858)
1075.1245	am	(P-9858)
1075.1270	am	(P-9858)
1075.1285	am	(P-9858)
1075.1290	am	(P-9858)
1075.1295	am	(P-9858)
1075.1305	am	(P-9858)
1075.1310	am	(P-9858)
1075.1315	am	(P-9858)
1075.1330	n	(P-9858)
1075.2175	n	(E-7018)(P-9858)

TITLE 41

170.10	am	(P-9106)
170.20	r	(P-9106)
170.40	r	(P-9106)
170.41	r	(P-9106)
170.50	r	(P-9106)
170.60	r	(P-9106)
170.65	r	(P-9106)
170.70	r	(P-9106)
170.71	r	(P-9106)
170.72	r	(P-9106)
170.76	r	(P-9106)
170.90	r	(P-9108)
170.100	r	(P-9106)
170.105	r	(P-9108)
170.106	r	(P-9108)
170.107	r	(P-9108)
170.108	r	(P-9108)
170.110	r	(P-9106)
170.210	am	(P-8267)
170.400	am	(P-9108)
170.410	am	(P-9108)
170.411	n	(P-9108)
170.412	n	(P-9108)
170.420	am	(P-9108)
170.421	n	(P-9108)
170.422	n	(P-9108)
170.423	n	(P-9108)
170.424	n	(P-8108)
170.425	n	(P-9108)
170.426	n	(P-9108)
170.427	n	(P-9106)
170.430	am	(P-9106)
170.431	n	(P-9106)
170.440	am	(P-9106)
170.441	n	(P-9106)
170.442	n	(P-9106)
170.450	am	(P-9106)
170.460	am	(P-9106)
170.470	am	(P-9106)
170.480	am	(P-9106)
170.481	n	(P-9106)
170.490	am	(P-9106)
170.500	am	(P-9108)
170.510	am	(P-9108)
170.520	am	(P-9106)
170.530	am	(P-9108)
170.540	am	(P-9108)
170.541	n	(P-9108)
170.542	n	(P-9106)
170.543	n	(P-9106)
170.544	n	(P-9106)
170.545	n	(P-9106)
170.560	am	(P-9106)
170.570	am	(P-9106)
170.580	am	(P-9106)
170.590	am	(P-9106)
170.600	am	(P-9106)
170.610	am	(P-9106)
170.620	am	(P-9106)
170.630	am	(P-9106)
170.640	am	(P-9106)
170.650	am	(P-9106)
170.660	am	(P-9106)
170.670	am	(P-9106)
170.671	n	(P-9106)
170.672	n	(P-9106)
170.673	n	(P-9108)
170.700	r,n	(P-9106)
170.705	n	(P-9106)
170.710	n	(P-9106)
170.720	n	(P-9106)
170.730	n	(P-9106)
170.740	n	(P-9106)
170.750	n	(P-9106)
170.760	n	(P-9106)
170.770	n	(P-9106)
170.780	n	(P-9106)
170.790	n	(P-9106)
170.795	n	(P-9106)
170.800	am	(P-9108)
170.810	am	(P-9106)
170.820	am	(P-9106)
170.830	am	(P-9108)
170.850	am	(P-9106)
170.860	r	(P-9106)
170.890	am	(P-9106)
170.900	am	(P-9106)
170.910	am	(P-9108)
170.920	n	(P-9108)
170.930	n	(P-9106)
170.940	n	(P-9106)
170.1000	n	(P-9108)
170.1100	n	(P-9106)
170.1200	n	(P-9108)
170.1300	n	(P-9108)
170.Tb.A	n	(P-9108)
200.5	am	(P-22)
200.10	am	(P-22)
200.20	am	(P-22)
200.30	am	(P-22)
200.40	am	(P-22)
200.60	am	(P-22)
200.70	am	(P-22)
200.100	am	(P-22)
200.120	r	(P-22)
200.160	r	(P-22)
200.170	r	(P-22)
200.180	r	(P-22)
200.200	r	(P-22)
200.230	r	(P-22)
200.240	r	(P-22)
200.250	r	(P-22)
200.260	r	(P-22)
200.270	r	(P-22)
200.280	r	(P-22)
200.290	r	(P-22)
200.300	r	(P-22)
200.310	r	(P-22)
200.320	r	(P-22)
200.330	r	(P-22)
200.340	am	(P-22)

TITLE 44

650.10	n	(P-3208;A-9478)
650.20	n	(P-3208;A-9478)
650.30	n	(P-3208;A-9478)
650.40	n	(P-3208;A-9478)
650.50	n	(P-3208;A-9478)
650.60	n	(P-3208;A-9478)
650.70	n	(P-3208;A-9478)
650.80	n	(P-3208;A-9478)
650.90	n	(P-3208;A-9478)
650.100	n	(P-3208;A-9478)
650.110	n	(P-3208;A-9478)
650.120	n	(P-3208;A-9478)
850.130	n	(P-3208;A-9478)
650.140	n	(P-3208;A-9478)
650.150	n	(P-3208;A-9478)
650.160	n	(P-3208;A-9478)
650.170	n	(P-3208;A-9478)
650.180	n	(P-3208;A-9478)
650.190	n	(P-3208;A-9478)
650.200	n	(P-3208;A-9478)
850.210	n	(P-3208;A-9478)
650.320	n	(P-3208;A-9478)
650.330	n	(P-3208;A-9478)
650.340	n	(P-3208;A-8478)
650.350	n	(P-3208;A-9478)
650.Ap.A	n	(P-3208;A-9478)
650.Ap.B	n	(P-3208;A-9478)
850.Ap.C	n	(P-3208;A-9478)
650.Ap.D	n	(P-3208;A-9478)
650.Ap.E	n	(P-3208;A-9478)
5000.250	n	(P-15217/93,A-1886)
5000.310	am	(P-5057)

TITLE 47

160.10	am	(P-15747/93;A-5163)
160.30	am	(P-15747/93;A-5183)
180.40	am	(P-15747/93;A-5183)
160.50	am	(P-15747/83;A-5183)
180.60	am	(P-15747/93;A-5163)
180.70	am	(P-15747/93;A-5183)
180.80	am	(P-15747/93;A-5183)
260.101	am	(P-8293)
260.102	am	(P-8293)

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280.103	am	(P-8293)
280.104	am	(P-8293)
280.105	am	(P-8293)
280.106	am	(P-8293)
260.107	am	(P-8293)
280.108	am	(P-8293)
280.109	am	(P-8293)
280.110	am	(P-8293)
260.111	am	(P-8293)
280.112	am	(P-8293)
260.113	am	(P-8293)
280.114	am	(P-8293)
260.201	am	(P-8293)
280.202	am	(P-8293)
280.203	am	(P-8293)
280.204	am	(P-8293)
280.205	am	(P-8293)
280.301	am	(P-8293)
280.302	am	(P-8293)
280.303	am	(P-8293)
260.304	am	(P-8293)
260.305	am	(P-8293)
280.401	am	(P-8293)
280.402	am	(P-8293)
280.403	am	(P-8293)
280.404	am	(P-8293)
280.405	am	(P-8293)
280.408	am	(P-8293)
280.407	am	(P-8293)
280.501	am	(P-8293)
280.502	am	(P-8293)
260.503	am	(P-8293)
280.504	am	(P-8293)
260.505	am	(P-8293)
280.506	am	(P-8293)
310.401	am	(P-13659/93;A-1939)
360.101	am	(P-1669;A-8663) (E-2124)(C-10503)
380.103	am	(P-1889;A-8663) (E-2124)(C-10503)
380.104	am	(P-1889;A-8883) (E-2124)(C-10503)
380.108	am	(P-1889;A-8883) (E-2124)(C-10503)
380.109	am	(P-1889;A-8683) (E-2124)(C-10503)
380.114	am	(P-1889;A-8863) (E-2124)(C-10503)
380.201	am	(P-1689;A-8863) (E-2124)(C-10503)
380.202	am	(P-1869;A-8683) (E-2124)(C-10503)
380.203	am	(P-1889;A-8883) (E-2124)(C-10503)
380.204	n	(P-1889;A-8683) (E-2124)(C-10503)
380.301	am	(P-1889;A-8683) (E-2124)(C-10503)
380.303	am	(P-1889;A-8883) (E-2124)(C-10503)
380.304	am	(P-1889;A-8683) (E-2124)(C-10503)
360.305	am	(P-1689;A-8683) (E-2124)(C-10503)
380.309	am	(P-1869;A-8883) (E-2124)(C-10503)
380.310	am	(P-1889;A-8883) (E-2124)(C-10503)
380.401	am	(P-1889;A-8663) (E-2124)(C-10503)
360.501	r	(P-1669;A-8663) (E-2124)(C-10503)
360.502	am	(P-1669;A-8663) (E-2124)(C-10503)
380.503	am	(P-1669;A-8663) (E-2124)(C-10503)
360.505	am	(P-1669;A-8663) (E-2124)(C-10503)
360.506	am	(P-1669;A-8663) (E-2124)(C-10503)
360.507	am	(P-1669;A-8663) (E-2124)(C-10503)
360.601	am	(P-1669;A-8663) (E-2124)(C-10503)
360.602	am	(P-1869;A-8663) (E-2124)(C-10503)
360.603	am	(P-1669;A-8863) (E-2124)(C-10503)
360.801	am	(P-1669;A-8663) (E-2124)(C-10503)
360.802	am	(P-1669;A-8663) (E-2124)(C-10503)
380.803	am	(P-1669;A-8663) (E-2124)(C-10503)
360.804	am	(P-1669;A-8663) (E-2124)(C-10503)
360.901	am	(P-1669;A-8663) (E-2124)(C-10503)
360.902	am	(P-1669;A-8663) (E-2124)(C-10503)
380.903	am	(P-1669;A-8663) (E-2124)(C-10503)
360.904	am	(P-1669;A-8663) (E-2124)(C-10503)
360.905	am	(P-1669;A-8663) (E-2124)(C-10503)
380.1101	am	(P-1869;A-8663) (E-2124)(C-10503)
380.1102	am	(P-1669;A-8663) (E-2124)(C-10503)
365.101	n	(P-956;A-8633) (E-1596)(C-10503)
365.102	n	(P-956;A-8633) (E-1596)(C-10503)
365.103	n	(P-956;A-8833) (E-1596)(C-10503)
365.104	n	(P-956;A-8633) (E-1598)(C-10503)
365.105	n	(P-956;A-8633) (E-1596)(C-10503)
365.108	n	(P-956;A-8633) (E-1598)(C-10503)
365.107	n	(P-958;A-8633) (E-1596)(C-10503)
385.108	n	(P-958;A-8633) (E-1596)(C-10503)
365.109	n	(P-958;A-8833) (E-1596)(C-10503)
385.110	n	(P-956;A-8633) (E-1596)(C-10503)
385.111	n	(P-958;A-8833) (E-1596)(C-10503)
385.112	n	(P-958;A-8633) (E-1596)(C-10503)
365.113	n	(P-956;A-8833) (E-1598)(C-10503)
385.114	n	(P-958;A-8833) (E-1598)(C-10503)
365.115	n	(P-958;A-8833) (E-1596)(C-10503)
365.201	n	(P-956;A-8833) (E-1596)(C-10503)
365.202	n	(P-958;A-8833) (E-1598)(C-10503)
365.203	n	(P-956;A-8633) (E-1596)(C-10503)
365.204	n	(P-956;A-8633) (E-1596)(C-10503)
365.301	n	(P-956;A-8633) (E-1596)(C-10503)
365.302	n	(P-958;A-8833) (E-1596)(C-10503)
365.303	n	(P-958;A-8633) (E-1596)(C-10503)
365.304	n	(P-956;A-8833) (E-1596)(C-10503)
365.305	n	(P-958;A-8633) (E-1596)(C-10503)
365.401	n	(P-956;A-8633) (E-1596)(C-10503)
365.402	n	(P-956;A-8633) (E-1596)(C-10503)
365.403	n	(P-956;A-8833) (E-1596)(C-10503)
365.404	n	(P-956;A-8633) (E-1596)(C-10503)
365.405	n	(P-956;A-8633) (E-1596)(C-10503)
365.501	n	(P-956;A-8833) (E-1596)(C-10503)
365.502	n	(P-958;A-8633) (E-1596)(C-10503)
365.503	n	(P-956;A-8633) (E-1596)(C-10503)
385.504	n	(P-956;A-8633) (E-1596)(C-10503)
365.505	n	(P-956;A-8833) (E-1596)(C-10503)
365.506	n	(P-956;A-8633) (E-1596)(C-10503)
365.507	n	(P-956;A-8633) (E-1596)(C-10503)
365.508	n	(P-956;A-8633) (E-1596)(C-10503)
365.601	n	(P-956;A-8633) (E-1596)(C-10503)
365.602	n	(P-956;A-8633) (E-1596)(C-10503)
365.603	n	(P-956;A-8833) (E-1596)(C-10503)
365.604	n	(P-956;A-8633) (E-1596)(C-10503)
365.701	n	(P-956;A-8633) (E-1598)(C-10503)
365.702	n	(P-958;A-8833) (E-1596)(C-10503)
365.703	n	(P-956;A-8633) (E-1596)(C-10503)
365.704	n	(P-956;A-8633) (E-1596)(C-10503)
365.801	n	(P-958;A-8633) (E-1596)(C-10503)

(Title 47, cont.)

385.901	n	(P-958;A-8833) (E-1598)(C-10503)
385.1001	n	(P-858;A-8833) (E-1598)(C-10503)
365.1002	n	(P-958;A-8833) (E-1598)(C-10503)
365.1101	n	(P-958;A-8633) (E-1588)(C-10503)
385.1102	n	(P-958;A-8833) (E-1598)(C-10503)
365.1103	n	(P-958;A-8833) (E-1586)(C-10503)
365.1104	n	(P-956;A-8833) (E-1598)(C-10503)
385.1201	n	(P-956;A-8833) (E-1586)(C-10503)
385.1202	n	(P-956;A-8833) (E-1598)(C-10503)
365.1203	n	(P-958;A-8633) (E-1598)(C-10603)
365.1204	n	(P-956;A-8833) (E-1596)(C-10503)
365.1205	n	(P-958;A-8833) (E-1596)(C-10503)
800.50	am	(P-19834/93)(C-798)
700.100	n	(P-4530;A-5826)
700.110	n	(P-4530;A-5826)
700.200	n	(P-4530;A-5826)
700.205	n	(P-4530;A-5826)
700.207	n	(P-4530;A-5826)
700.209	n	(P-4530;A-5826)
700.211	n	(P-4530;A-5828)
700.213	n	(P-4530;A-5826)
700.220	n	(P-4530;A-5826)
700.221	n	(P-4530;A-5826)
700.222	n	(P-4530;A-5826)
700.223	n	(P-4530;A-5826)
700.224	n	(P-4530;A-5826)
700.225	n	(P-4530;A-5826)
700.226	n	(P-4530;A-5828)
700.227	n	(P-4530;A-5826)
700.228	n	(P-4530;A-5826)
700.250	n	(P-4530;A-5826)
700.252	n	(P-4530;A-5826)
700.260	n	(P-4530;A-5828)
700.265	n	(P-4530;A-5826)
700.270	n	(P-4530;A-5826)
700.275	n	(P-4530;A-5826)
700.280	n	(P-4530;A-5826)

TITLE 50

854.10	am	(P-21143/93;A-6178)
854.20	am	(P-21143/93;A-6176)
854.30	am	(P-21143/93;A-6176)
854.40	am	(P-21143/93;A-8178)
854.II.A	am	(P-21143/93;A-6176)
855.10	am	(P-21264/93;A-6168)
855.20	am	(P-21264/93;A-6168)
855.30	am	(P-21284/93;A-8168)
855.40	am	(P-21284/93;A-8168)
855.II.A	am	(P-21264/93;A-6188)
1103.10	n	(P-8411/93;A-685)
1103.20	n	(P-8411/93;A-885)
1103.30	n	(P-8411/93;A-685)
1103.40	n	(P-8411/93;A-685)
1103.50	n	(P-8411/93;A-685)
1103.Ex.A	n	(P-8411/93;A-685)
1250.10	n	(P-3985/93;A-2230)
1250.20	n	(P-3985/93;A-2230)
1250.30	n	(P-3985/93;A-2230)
1250.40	n	(P-3985/93;A-2230)
2012.10	am	(P-11279/93;A-2238)
2012.20	am	(P-11279/93,A-2238)
2012.30	am	(P-11279/93;A-2238)
2012.40	am	(P-11279/93;A-2238)
2012.50	am	(P-11279/93;A-2238)
2012.55	n	(P-11279/93;A-2238)
2012.60	am	(P-11279/93;A-2238)
2012.65	n	(P-11279/93;A-2238)
2012.70	am	(P-11279/93;A-2238)
2012.80	am	(P-11279/93;A-2238)
2012.90	am	(P-11279/93;A-2238)
2012.95	n	(P-11279/93;A-2238)
2012.100	am	(P-11279/93;A-2238)
2012.110	am	(P-11279/93;A-2238)
2012.115	n	(P-11279/93;A-2238)
2012.120	am	(P-11279/93;A-2238)
2012.122	n	(P-11279/93;A-2238)
2012.124	n	(P-11279/93;A-2238)
2012.126	am	(P-11279/93;A-2238)
2012.130	am	(P-11279/93;A-2238)
2012.140	n	(P-11279/93;A-2238)
2012.150	n	(P-11279/93;A-2238)
2012.Ex.C	am	(P-11279/93;A-2238)
2012.Ex.D	n	(P-11279/93;A-2238)
2013.10	am	(P-8320)
2013.20	am	(P-8320)
2013.30	am	(P-8320)
2013.40	am	(P-8320)
2013.50	am	(P-8320)
2013.60	am	(P-8320)
2013.70	am	(P-8320)
2017.10	n	(P-37)
2017.20	n	(P-37)
2017.30	n	(P-37)
2017.40	n	(P-37)
2017.50	n	(P-37)
2017.60	n	(P-37)
2017.70	n	(P-37)
2018.10	n	(P-3919)
2018.20	n	(P-3919)
2018.30	n	(P-3919)
2018.40	n	(P-3919)
2018.50	n	(P-3919)
2018.60	n	(P-3919)
2018.70	n	(P-3919)
2018.80	n	(P-3919)
2018.90	n	(P-3919)
2018.100	n	(P-3919)
2018.110	n	(P-3919)
2018.120	n	(P-3919)
2018.130	n	(P-3919)
2018.140	n	(P-3919)
2018.150	n	(P-3919)
2018.180	n	(P-3919)
2018.170	n	(P-3919)
2018.180	n	(P-3919)
2018.190	n	(P-3919)
2018.200	n	(P-3919)
2018.210	n	(P-3919)
2018.220	n	(P-3919)
2018.230	n	(P-3919)
2018.Ex.A	n	(P-3919)
2018.Ex.B	n	(P-3919)
3119.Ex.B	am	(P-3964)
6201.70	am	(P-2282)
6201.75	n	(P-2282)

TITLE 56

350.280	am	(P-1672)
2520.10	am	(P-9821)
2520.20	am	(P-9821)
2520.30	am	(P-9821)
2520.40	am	(P-9821)
2520.110	am	(P-9821)
2520.310	r	(P-9821)
2520.320	r	(P-9821)
2520.330	am	(P-9821)
2520.340	r	(P-9821)
2520.350	am	(P-9821)
2520.360	am	(P-9821)
2520.370	r	(P-9821)
2520.380	am	(P-9821)
2520.410	r	(P-9821)
2520.420	r	(P-9821)
2520.430	am	(P-9821)
2520.440	am	(P-9821)
2520.450	r	(P-9821)
2520.460	r	(P-9821)
2520.470	r	(P-9821)
2520.480	r	(P-9821)
2520.510	am	(P-9821)
2520.520	r	(P-9821)
2520.530	r	(P-9821)
2520.540	r	(P-9821)
2520.550	n	(P-9821)
2520.560	n	(P-9821)
2520.570	n	(P-9821)
2520.610	am	(P-9821)
2520.620	am	(P-9821)
2520.630	am	(P-9821)
2520.640	am	(P-9821)
2520.650	am	(P-9821)
2600.20	am	(P-805;A-9902)
2630.80	am	(P-855;A-9935)
2630.81	r	(P-855;A-9935)
2630.82	am	(P-855;A-9935)
2630.83	am	(P-855;A-9935)
2630.84	r	(P-855;A-9935)
2630.85	am	(P-855;A-9935)
2630.101	r	(P-855;A-9935)
2630.102	r	(P-855;A-9935)
2630.105	am	(P-855;A-9935)
2630.142	am	(P-855;A-9935)
2650.10	am	(P-20063/93;RC-6022)
2650.20	am	(P-20063/93;RC-6022)
2650.30	am	(P-20063/93;RC-8022)
2650.40	am	(P-20063/93;RC-8022)
2650.50	am	(P-20063/93;RC-6022)
2650.110	am	(P-20063/93;RC-6022)
2650.120	am	(P-20063/93;RC-6022)
2650.130	am	(P-20063/93;RC-8022)
2650.140	r	(P-20063/93;RC-6022)
2650.150	r	(P-20063/93;RC-6022)
2650.210	r	(P-20083/93;RC-8022)
2650.220	r	(P-20063/93;RC-6022)
2650.230	r	(P-20063/93;RC-6022)
2650.240	am	(P-20083/93;RC-6022)
2650.250	am	(P-20083/93;RC-6022)
2850.310	am	(P-20063/93;RC-6022)
2650.320	am	(P-20063/93;RC-8022)
2650.330	am	(P-20063/93;RC-6022)
2650.340	r	(P-20063/93;RC-8022)

(Title 56, cont.)

2850.350	am	(P-20063/93;RC-6022)
2720.10	am	(P-9048)
2720.130	am	(P-9048)
2720.135	am	(P-9046)
2720.200	am	(P-9048)
2720.201	n	(P-9048)
2720.205	am	(P-9048)
2720.215	am	(P-9048)
2720.240	am	(P-9048)
2720.245	am	(P-9048)
2730.100	am	(P-9101)
2732.235	n	(P-9067)
2732.305	am	(P-9067)
2760.120	am	(P-9082)
2760.125	am	(P-9082)
2760.127	n	(E-2631)(O-7070)
		(M-7492)
2760.140	am	(P-16319/93;A-261)
	am	(P-9082)
2760.150	am	(P-9082)
2765.44	n	(P-9094)
2765.45	am	(P-9094)
2765.68	am	(P-9094)
2770.100	am	(P-17628/93;A-250)
2770.105	am	(P-17628/93;A-250)
2770.110	am	(P-17628/93;A-250)
2855.130	am	(P-19421/93;A-4160)
2915.40	n	(P-19415/93;A-4154)
2915.43	n	(P-19415/93;A-4154)
2915.45	n	(P-19415/93;A-4154)
2915.47	n	(P-19415/93;A-4154)
2920.65	am	(P-19427/93;A-4166)
2920.70	am	(P-19427/93;A-4166)
2920.75	am	(P-19427/93;A-4168)
2980.210	n	(P-9075)
2980.220	n	(P-9075)
2960.230	n	(P-9075)
2960.240	n	(P-9075)
2960.250	n	(P-9075)
2960.260	n	(P-9075)
2965.44	am	(P-9075)
2965.45	am	(P-9075)
2965.68	n	(P-9075)
6000.10	am	(P-6040)
6000.30	am	(P-6040)
8000.40	am	(P-6040)
6000.65	am	(P-6040)
6000.70	am	(P-6040)
6000.80	am	(P-6040)
6000.100	am	(P-6040)
6000.110	am	(P-6040)
6000.120	am	(P-6040)
8000.130	am	(P-6040)
8000.140	am	(P-6040)
6000.150	am	(P-6040)
8000.160	am	(P-6040)
6000.170	am	(P-8040)
8000.180	am	(P-6040)
6000.220	am	(P-6040)
6000.250	am	(P-6040)
6000.260	am	(P-6040)
6000.270	am	(P-6040)
6000.280	am	(P-6040)
6000.280	am	(P-6040)
6000.300	am	(P-6040)
6000.310	am	(P-6040)
6000.320	am	(P-6040)
6000.330	am	(P-6040)
8000.340	am	(P-6040)

TITLE 59

101.75	n	(P-10688/93;A-4179)
106.45	am	(P-7583)
120.110	am	(P-3990)
121.130	am	(P-3976)
121.35	am	(P-3976)
122.65	am	(P-3969)
132.55	am	(P-3982)
258.100	n	(P-8795)
258.110	n	(P-8795)
258.120	n	(P-8795)
258.130	n	(P-8795)
258.200	n	(P-6795)
258.210	n	(P-8795)
258.220	n	(P-8795)
258.230	n	(P-8795)
258.240	n	(P-8795)
258.250	n	(P-8795)
258.260	n	(P-8795)
258.270	n	(P-8795)
258.280	n	(P-8795)
258.300	n	(P-8795)
258.310	n	(P-8795)
258.320	n	(P-8795)
258.330	n	(P-8795)
258.340	n	(P-8795)
258.350	n	(P-8795)
258.360	n	(P-8795)
258.370	n	(P-6795)
258.380	n	(P-8795)
258.390	n	(P-8795)
258.400	n	(P-8795)
258.410	n	(P-8795)
258.500	n	(P-6795)
258.510	n	(P-8795)
258.520	n	(P-8795)
258.530	n	(P-8795)
258.540	n	(P-6795)

TITLE 62

240.10	am	(P-22128/93;A-8061)
240.130	r	(P-22128/93;A-8061)
240.131	am	(P-22128/93;A-8061)
240.132	am	(P-22128/93;A-8061)
240.133	am	(P-22128/93;A-8061)
240.160	am	(P-22128/93;A-8081)
240.170	am	(P-22128/93;A-8081)
240.220	am	(P-22128/93;A-8061)
240.230	am	(P-22128/93,A-8061)
240.250	am	(P-22128/93;A-8061)
240.310	am	(P-22128/93;A-8061)
240.320	am	(P-22128/93;A-8061)
240.330	am	(P-22128/93;A-8061)
240.370	am	(P-22128/93;A-8061)
240.380	am	(P-22128/63;A-8061)
240.460	am	(P-22128/93;A-8081)
240.470	n	(P-22128/83;A-8061)
240.500	am	(P-22128/83;A-8061)
240.610	am	(P-22128/83;A-8081)
240.640	am	(P-22128/83;A-8061)
240.710	am	(P-22128/83;A-8061)
240.740	am	(P-22128/83;A-8081)
240.750	am	(P-22128/83;A-8081)
240.760	am	(P-22128/83;A-8081)
240.770	am	(P-22128/83;A-8061)
240.780	am	(P-22128/93;A-8061)
240.810	am	(P-22128/93;A-8081)
240.850	am	(P-22128/93;A-8081)
240.860	am	(P-22128/93;A-8061)
	am	(E-10380)
240.861	n	(P-22128/93,A-8061)
	am	(E-10380)
240.880	am	(P-22128/93;A-8061)
240.920	am	(P-22128/93,A-6061)
240.950	am	(P-22128/93,A-8061)
240.1110	am	(P-22128/93;A-6061)
240.1120	am	(P-22128/93;A-8061)
240.1130	am	(P-22128/93;A-6061)
240.1140	am	(P-22128/93;A-8081)
240.1190	am	(P-22128/93;A-6061)
240.1200	am	(P-22128/93;A-6061)
240.1205	am	(P-22128/93;A-8061)
240.1210	r	(P-22128/93;A-6061)
240.1230	am	(P-22128/93;A-8061)
240.1240	am	(P-22128/93,A-8061)
240.1250	am	(P-22128/93;A-8081)
240.1260	am	(P-22128/93;A-8061)
240.1280	am	(P-22128/93;A-8061)
240.1410	am	(P-22128/93,A-8061)
240.1440	am	(P-22128/93,A-8061)
240.1460	am	(P-22128/93;A-8061)
240.1480	n	(P-22128/93;A-8061)
240.1500	am	(P-22128/93;A-8061)
240.1510	am	(P-22128/93,A-8061)
240.1520	am	(P-22128/93;A-8061)
240.1600	n	(P-22128/93;A-8061)
240.1620	n	(P-22128/93;A-8061)
240.1630	n	(P-22128/93;A-8061)
240.1640	n	(P-22128/93;A-8061)
240.1700	n	(P-22128/93;A-8061)
240.1705	n	(P-22128/93;A-8061)
240.1710	n	(P-22128/93,A-8061)
240.1720	n	(P-22128/93;A-8061)
240.1730	n	(P-22128/93,A-8061)
240.1740	n	(P-22128/93;A-8061)
240.1800	n	(P-22128/93;A-8061)
240.1805	n	(P-22128/93;A-8061)
240.1810	n	(P-22128/93,A-8061)
240.1820	n	(P-22128/93,A-8061)
240.1830	n	(P-22128/93;A-8061)
240.1835	n	(P-22128/93;A-8061)
240.1840	n	(P-22126/93;A-6061)
240.1850	n	(P-22128/93;A-6061)
240.1855	n	(P-22128/93;A-8081)
240.1860	n	(P-22128/93;A-8081)
240.1865	n	(P-22128/93;A-8061)
240.1870	n	(P-22128/93;A-8061)
240.1900	n	(P-22128/93;A-8081)
240.1905	n	(P-22128/93;A-8061)
240.1910	n	(P-22126/93;A-8061)
240.1920	n	(P-22126/93;A-8081)
240.1930	n	(P-22128/93;A-8061)
240.1940	n	(P-22128/93;A-8061)
240.1950	n	(P-22128/93;A-8061)
240.1880	n	(P-22128/93;A-8081)

TITLE 66

590.5	am	(P-14785/83;A-1865)
590.30	am	(P-14785/63;A-1865)
610.10	am	(P-14776/93;A-1875)
610.20	r	(P-14775/83;A-1875)
610.30	am	(P-14775/63;A-1875)
610.40	am	(P-14775/63;A-1875)

(Title 68, cont.)

610.60	am	(P-14775/93,A-1875)
1150.10	n	(P-11337/93;RC-10500)
1150.20	am	(P-11337/93;RC-10500)
1150.85	n	(P-11337/93;RC-10500)
1150.Ap.A	n	(P-11337/93;RC-10500)
1175.100	am	(P-20217/93;A-4856)
1175.1000	am	(P-20217/93;A-4856)
1175.1001	am	(P-20217/93,A-4856)
1175.1005	am	(P-20217/93;A-4856)
1175.1010	am	(P-20217/93;A-4856)
1175.1015	am	(P-20217/93;A-4856)
1175.1020	am	(P-20217/93;A-4856)
1175.1025	am	(P-20217/93;A-4858)
1175.1030	am	(P-20217/93;A-4856)
1175.1035	am	(P-20217/93;A-4856)
1175.1100	am	(P-20217/93;A-4856)
1175.1105	am	(P-20217/93;A-4856)
1175.1110	am	(P-20217/93;A-4856)
1175.1115	am	(P-20217/93;A-4856)
1175.1120	am	(P-20217/93;A-4858)
1175.1125	am	(P-20217/93;A-4856)
1175.1130	am	(P-20217/93;A-4856)
1175.1135	am	(P-20217/93;A-4856)
1175.1140	am	(P-20217/93;A-4856)
1175.1145	am	(P-20217/93;A-4856)
1175.1150	am	(P-20217/93;A-4856)
1175.1155	am	(P-20217/93;A-4856)
1175.1180	am	(P-20217/93;A-4856)
1175.1165	am	(P-20217/93;A-4856)
1175.1170	am	(P-20217/93;A-4856)
1175.1175	am	(P-20217/93;A-4856)
1175.1200	am	(P-20217/93;A-4856)
1175.1205	am	(P-20217/93;A-4856)
1175.1210	am	(P-20217/93;A-4856)
1175.1215	am	(P-20217/93;A-4856)
1270.5	am	(P-14550/93;A-5900)
	am	(P-9849)
1270.10	am	(P-14550/93;A-5900)
	am	(P-9649)
1270.13	am	(P-14550/93;A-5900)
1270.20	am	(P-9849)
1283.10	n	(P-5477)
1283.20	n	(P-5477)
1283.40	n	(P-5477)
1283.50	n	(P-5477)
1283.60	n	(P-5477)
1283.70	n	(P-5477)
1283.80	n	(P-5477)
1283.90	n	(P-5477)
1263.100	n	(P-5477)
1283.120	n	(P-5477)
1285.60	am	(EC-312)
1315.90	r	(P-590;A-7373)
1315.100	am	(P-590;A-7373)
1315.110	am	(P-590;A-7373)
1315.120	am	(P-590;A-7373)
1315.130	am	(P-590;A-7373)
1315.140	am	(P-580;A-7373)
1315.150	am	(P-580;A-7373)
1315.160	am	(P-590;A-7373)
1315.163	n	(P-590;A-7373)
1315.170	am	(P-580;A-7373)
1315.180	r	(P-580;A-7373)
1315.200	am	(P-580;A-7373)
1375.10	n	(P-7886)
1375.20	n	(P-7886)
1375.30	n	(P-7986)
1375.40	n	(P-7986)
1375.50	n	(P-7986)
1375.60	n	(P-7986)
1375.70	n	(P-7986)
1375.80	n	(P-7986)
1375.100	n	(P-7986)
1375.110	n	(P-7986)
1375.120	n	(P-7986)
1375.130	n	(P-7986)
1375.135	n	(P-7986)
1375.140	n	(P-7986)
1375.150	n	(P-7986)
1375.160	n	(P-7986)
1375.170	n	(P-7986)
1375.200	n	(P-7986)
1375.210	n	(P-7986)
1375.230	n	(P-7986)
1400.20	am	(P-2566)
1400.30	am	(P-2566)
1400.40	am	(P-2566)
1400.50	am	(P-2566)
1400.60	am	(P-2566)
1400.80	am	(P-2566)
1400.90	am	(P-2566)
1455.15	am	(P-18379/93;A-2379)
1455.30	am	(P-16379/93;A-2379)
		(P-2733;A-8428)
		(E-3006)
1455.200	am	(P-16379/93;A-2379)
		(P-2733;A-8428)
		(E-3008)
1455.205	n	(P-16379/;A-2379)
	am	(P-2733)(E-3006)
1455.210	am	(P-16379/93;A-2379)
1455.300	am	(P-16379/93;A-2379)
1465.10	r	(P-7194)
1465.20	am	(P-7194)
1465.30	am	(P-7194)
1465.35	n	(P-7194)
1465.36	n	(P-7194)
1465.40	am	(P-7194)
1465.60	am	(P-7194)
1465.70	n	(P-7194)
1465.90	am	(P-7194)
1470.5	r	(P-8435/93;A-2370)
1470.7	r	(P-8435/93;A-2370)
1470.20	am	(P-8435/93;A-2370)
1470.80	am	(P-8435/93;A-2370)
1470.90	am	(P-8435/93;A-2370)
1480.140	am	(P-5749)
1480.150	am	(P-5749)
1480.190	am	(P-5749)
1500.5	am	(P-5758)
1500.10	am	(P-5758)
1500.11	am	(P-5758)
1500.15	am	(P-5758)
1500.20	am	(P-5758)
1500.25	am	(P-5758)
1500.30	am	(P-5758)
1500.35	am	(P-5758)
1500.50	am	(P-5758)
1500.55	am	(P-5758)
1500.80	r	(P-6768)
1500.70	am	(P-5758)
1505.10	am	(P-6737)
1505.20	am	(P-6737)
1505.30	am	(P-5737)
1505.40	am	(P-5737)
1505.50	am	(P-5737)
1505.55	am	(P-5737)
1505.60	am	(P-5737)
1505.70	am	(P-5737)

TITLE 74

275.10	n	(P-1664;A-7754)
		(E-2119)

TITLE 77

100.1	am	(P-12153/93;A-5980)
100.2	am	(P-12153/93;A-5980)
100.3	am	(P-12153/93;A-5980)
100.4	am	(P-12153/93;A-5980)
100.5	r,n	(P-12153/93;A-5960)
100.6	r,n	(P-12153/93;A-5980)
100.7	am	(P-12153/93;A-5980)
100.8	r,n	(P-12153/93;A-5960)
100.9	r,n	(P-12153/93;A-5960)
100.10	r,n	(P-12153/93;A-5980)
100.11	r,n	(P-12153/93;A-5980)
100.12	r,n	(P-12153/93;A-5980)
100.13	r,n	(P-12153/93;A-5980)
100.14	r,n	(P-12153/93;A-5980)
100.15	r,n	(P-12153/93;A-5980)
100.16	r,n	(P-12153/93,A-5980)
100.17	r,n	(P-12153/93,A-5980)
100.18	am	(P-12153/93,A-5980)
100.19	am	(P-12153/93;A-5980)
205.115	am	(P-6653)
205.116	am	(P-6653)
205.120	am	(P-6653)
205.125	am	(P-6653)
205.130	am	(P-6653)
205.1410	am	(P-6653)
205.620	am	(P-6653)
205.1400	am	(P-6653)
205.1410	am	(P-6653)
205.1740	am	(P-6653)
205.1750	am	(P-6653)
205.1760	am	(P-6653)
205.1780	am	(P-6653)
205.1790	am	(P-6653)
210.1800	n	(P-22333/93;O-10501)
210.2900	n	(P-22333/93;O-10501)
245.40	am	(P-747/93;A-2414)
250.110	am	(P-46)
250.120	am	(P-46)
250.315	am	(P-48)
250.450	am	(P-46)
250.1820	am	(P-46)
250.1830	am	(P-46)
250.2450	am	(P-46)
270.1000	n	(P-9654/93;A-2424)
270.1050	n	(P-9654/93;A-2424)
270.1100	n	(P-9654/93;A-2424)
270.1200	n	(P-9654/93;A-2424)
270.1300	n	(P-9654/93;A-2424)
270.1400	n	(P-9854/83;A-2424)
270.1500	n	(P-8854/93;A-2424)
270.1800	n	(P-9854/83;A-2424)
270.1700	n	(P-8854/93;A-2424)
270.1800	n	(P-8854/83;A-2424)
270.1800	n	(P-8854/83;A-2424)
270.2000	n	(P-8864/83;A-2424)
270.2100	n	(P-8654/83;A-2424)
270.2200	n	(P-8654/83;A-2424)

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270.2300	n	(P-9654/93;A-2424)
300.120	am	(P-12205/93;A-1491)
300.140	am	(P-12205/93;A-1491)
300.150	am	(P-12205/93;A-1491)
300.160	am	(P-12205/93;A-1491)
300.262	am	(P-12205/93;A-1491)
300.830	am	(P-4961)
300.1030	am	(P-4961)
300.3260	am	(P-4961)
300.2880	am	(P-12205/93;A-1491)
330.120	am	(P-12188/93;A-1475)
330.140	am	(P-12188/93;A-1475)
330.150	am	(P-12188/93;A-1475)
330.160	am	(P-12188/93;A-1475)
330.730	am	(P-4942)
330.4280	am	(P-4942)
330.282	am	(P-12188/93;A-1475)
340.1000	n	(E-10391)
340.1010	n	(E-10391)
340.1110	n	(E-10391)
340.1120	n	(E-10391)
340.1130	n	(E-10391)
340.1140	n	(E-10391)
340.1150	n	(E-10391)
340.1160	n	(E-10391)
340.1170	n	(E-10391)
340.1190	n	(E-10391)
340.1200	n	(E-10391)
340.1210	n	(E-10391)
340.1220	n	(E-10391)
340.1230	n	(E-10391)
340.1240	n	(E-10391)
340.1250	n	(E-10391)
340.1280	n	(E-10391)
340.1300	n	(E-10391)
340.1310	n	(E-10391)
340.1320	n	(E-10391)
340.1330	n	(E-10391)
340.1340	n	(E-10391)
340.1350	n	(E-10391)
340.1380	n	(E-10391)
340.1370	n	(E-10391)
340.1400	n	(E-10391)
340.1410	n	(E-10391)
340.1420	n	(E-10391)
340.1430	n	(E-10391)
340.1440	n	(E-10391)
340.1450	n	(E-10391)
340.1460	n	(E-10391)
340.1470	n	(E-10391)
340.1480	n	(E-10391)
340.1500	n	(E-10391)
340.1510	n	(E-10391)
340.1520	n	(E-10391)
340.1530	n	(E-10391)
340.1540	n	(E-10391)
340.1550	n	(E-10391)
340.1560	n	(E-10391)
340.1570	n	(E-10391)
340.1560	n	(E-10391)
340.1590	n	(E-10391)
340.1600	n	(E-10391)
340.1810	n	(E-10391)
340.1820	n	(E-10391)
340.1830	n	(E-10391)
340.1700	n	(E-10391)
340.1710	n	(E-10391)
340.1720	n	(E-10391)
340.1730	n	(E-10391)
340.1800	n	(E-10391)
340.1810	n	(E-10391)
340.1820	n	(E-10391)
340.1830	n	(E-10391)
340.1840	n	(E-10391)
340.1600	n	(E-10391)
340.1910	n	(E-10391)
340.1920	n	(E-10391)
340.1930	n	(E-10391)
340.1940	n	(E-10391)
340.1950	n	(E-10391)
340.1960	n	(E-10391)
340.2000	n	(E-10391)
340.2010	n	(E-10391)
340.2020	n	(E-10391)
340.2030	n	(E-10391)
340.2040	n	(E-10391)
340.2050	n	(E-10391)
340.Tb.A	n	(E-10391)
340.Tb.6	n	(E-10391)
350.110	am	(P-12104/93;A-1432)
350.120	am	(P-12104/93;A-1432)
350.140	am	(P-12104/93;A-1432)
350.150	am	(P-12104/93;A-1432)
350.160	am	(P-12104/93;A-1432)
350.262	am	(P-12104/93;A-1432)
350.640	am	(P-4904)
350.3260	am	(P-4904)
350.2660	am	(P-12104/93;A-1432)
390.110	am	(P-12128/93;A-1453)
390.120	am	(P-12128/93;A-1453)
390.140	am	(P-12128/93;A-1453)
390.150	am	(P-12128/93;A-1453)
390.160	am	(P-12128/93;A-1453)
390.262	am	(P-12128/93;A-1453)
390.640	am	(P-4924)
390.2660	am	(P-12128/93;A-1453)
390.3260	am	(P-4924)
420.1	r	(P-103)
420.2	r	(P-103)
420.10	r	(P-103)
420.20	r	(P-103)
420.30	r	(P-103)
420.40	r	(P-103)
420.50	r	(P-103)
420.60	r	(P-103)
420.61	r	(P-103)
505.10	n	(P-13631/93;A-533)
505.20	n	(P-13631/93;A-533)
505.30	n	(P-13631/93;A-533)
505.40	n	(P-13631/93;A-533)
505.50	n	(P-13631/93;A-533)
505.Ap.A	n	(P-13631/93;A-533)
540.220	n	(P-12101/93;A-2620)
547.100	n	(P-95;A-8340)
547.200	n	(P-95;A-6340)
547.300	n	(P-95;A-6340)
547.400	n	(P-95;A-6340)
547.500	n	(P-95;A-6340)
547.600	n	(P-95;A-6340)
547.700	n	(P-95;A-6340)
594.10	n	(P-8572)
594.20	n	(P-8572)
594.30	n	(P-8572)
594.40	n	(P-8572)
594.100	n	(P-8572)
594.110	n	(P-8572)
594.120	n	(P-8572)
594.130	n	(P-8572)
594.140	n	(P-8572)
594.150	n	(P-8572)
594.200	n	(P-8572)
594.210	n	(P-8572)
594.220	n	(P-8572)
594.230	n	(P-8572)
594.240	n	(P-8572)
594.300	n	(P-8572)
594.400	n	(P-6572)
594.410	n	(P-8572)
594.420	n	(P-8572)
594.430	n	(P-8572)
594.440	n	(P-6572)
594.300	n	(P-8572)
596.10	n	(P-3086)
596.20	n	(P-3086)
596.30	n	(P-3086)
596.40	n	(P-3086)
596.100	n	(P-3086)
596.110	n	(P-3086)
596.120	n	(P-3086)
596.130	n	(P-3088)
596.140	n	(P-3086)
596.200	n	(P-3086)
596.210	n	(P-3086)
596.220	n	(P-3086)
596.230	n	(P-3086)
596.240	n	(P-3086)
596.300	n	(P-3086)
596.310	n	(P-3086)
596.320	n	(P-3086)
596.330	n	(P-3086)
596.340	n	(P-3066)
597.10	am	(P-8590)
597.110	am	(P-8590)
597.200	am	(P-8590)
597.220	am	(P-8590)
597.320	am	(P-8590)
598.10	n	(P-3077)
598.20	n	(P-3077)
598.30	n	(P-3077)
598.100	n	(P-3077)
598.110	n	(P-3077)
598.120	n	(P-3077)
598.130	n	(P-3077)
598.140	n	(P-3077)
600.100	r	(P-14831/93;A-4422)
600.100	n	(P-14806/93;A-4276)
600.110	r	(P-14831/93;A-4422)
600.110	n	(P-14806/93;A-4276)
600.120	r	(P-14831/93;A-4422)
600.130	r	(P-14831/93;A-4422)
600.200	r	(P-14831/93;A-4422)
600.200	n	(P-14806/93;A-4278)
600.210	r	(P-14831/93;A-4422)
600.210	n	(P-14806/93;A-4278)
600.220	r	(P-14831/93;A-4422)
600.230	r	(P-14831/93;A-4422)
600.240	r	(P-14831/93;A-4422)
600.250	r	(P-14831/93;A-4422)
600.300	r	(P-14831/93;A-4422)
600.300	n	(P-14806/93;A-4276)
600.310	r	(P-14831/93;A-4422)
600.310	n	(P-14806/93;A-4276)
600.320	r	(P-14831/93;A-4422)

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600.320	n	(P-14806/93;A-4276)
600.330	r	(P-14831/93;A-4422)
600.330	n	(P-14806/93;A-4276)
600.340	r	(P-14831/93;A-4422)
600.400	r	(P-14831/93;A-4422)
600.400	n	(P-14806/93;A-4276)
600.410	r	(P-14631/93;A-4422)
600.410	n	(P-14806/93;A-4276)
600.420	r	(P-14631/93;A-4422)
600.500	r	(P-14631/93;A-4422)
600.500	n	(P-14606/93;A-4276)
600.510	r	(P-14831/93;A-4422)
600.510	n	(P-14806/93;A-4276)
800.600	r	(P-14631/93;A-4422)
600.810	r	(P-14831/93;A-4422)
800.700	r	(P-14831/93;A-4422)
600.710	r	(P-14831/93;A-4422)
600.720	r	(P-14831/93;A-4422)
600.740	r	(P-14831/93;A-4422)
600.600	r	(P-14831/93;A-4422)
600.610	r	(P-14831/93;A-4422)
600.820	r	(P-14831/93;A-4422)
600.830	r	(P-14831/93;A-4422)
600.900	r	(P-14831/93;A-4422)
600.910	r	(P-14831/93;A-4422)
600.930	r	(P-14831/93;A-4422)
600.1000	r	(P-14831/93;A-4422)
600.1010	r	(P-14831/93;A-4422)
600.1020	r	(P-14831/93;A-4422)
600.1030	r	(P-14831/93;A-4422)
600.1100	r	(P-14831/93;A-4422)
600.1110	r	(P-14831/93;A-4422)
600.1120	r	(P-14831/93;A-4422)
600.1130	r	(P-14831/93;A-4422)
600.1140	r	(P-14831/93;A-4422)
600.1150	r	(P-14831/93;A-4422)
600.1160	r	(P-14831/93;A-4422)
600.1170	r	(P-14831/93;A-4422)
600.1200	r	(P-14831/93;A-4422)
800.1210	r	(P-14831/93;A-4422)
800.1220	r	(P-14831/93;A-4422)
600.1300	r	(P-14831/93;A-4422)
600.1310	r	(P-14831/93;A-4422)
600.1400	r	(P-14831/93;A-4422)
600.1410	r	(P-14831/93;A-4422)
600.1500	r	(P-14831/93;A-4422)
800.1600	r	(P-14831/93;A-4422)
600.1610	r	(P-14831/93;A-4422)
810.100	n	(P-14824/93;A-4310)
610.110	n	(P-14824/93;A-4310)
610.200	n	(P-14824/93;A-4310)
610.210	n	(P-14824/93;A-4310)
810.100	n	(P-14824/93;A-4310)
810.110	n	(P-14824/93;A-4310)
610.200	n	(P-14824/93;A-4310)
610.210	n	(P-14824/93;A-4310)
810.300	n	(P-14824/93;A-4310)
610.310	n	(P-14824/93;A-4310)
810.320	n	(P-14824/93;A-4310)
615.100	r	(P-17741/93;A-4317)
615.100	n	(P-17798/93;A-4320)
615.110	r	(P-17741/93;A-4317)
615.120	r	(P-17741/93;A-4317)
615.130	r	(P-17741/93;A-4317)
614.140	r	(P-17741/93;A-4317)
615.150	r	(P-17741/93;A-4317)
814.180	r	(P-17741/93;A-4317)
614.200	r	(P-17741/93;A-4317)
615.200	n	(P-17798/93;A-4320)
815.210	n	(P-17798/93;A-4320)
615.220	n	(P-17798/93;A-4320)
615.230	n	(P-17798/93;A-4320)
615.300	n	(P-17798/93;A-4320)
615.310	r	(P-17741/93;A-4317)
615.310	n	(P-17798/93;A-4320)
615.320	r	(P-17741/93;A-4317)
615.320	n	(P-17798/93;A-4320)
615.330	r	(P-17741/93;A-4317)
615.330	n	(P-17798/93;A-4320)
815.340	r	(P-17741/93;A-4317)
615.340	n	(P-17798/93;A-4320)
615.350	r	(P-17741/93;A-4317)
615.360	r	(P-17741/93;A-4317)
615.370	r	(P-17741/93;A-4317)
615.380	r	(P-17741/93;A-4317)
615.390	r	(P-17741/93;A-4317)
615.400	r	(P-17741/93;A-4317)
615.400	n	(P-17798/93;A-4320)
615.410	n	(P-17798/93;A-4320)
615.510	r	(P-17741/93;A-4317)
615.520	r	(P-17741/93;A-4317)
615.530	r	(P-17741/93;A-4317)
615.540	r	(P-17741/93;A-4317)
615.550	r	(P-17741/93;A-4317)
615.560	r	(P-17741/93;A-4317)
615.600	r	(P-17741/93;A-4317)
615.810	r	(P-17741/93;A-4317)
615.620	r	(P-17741/93;A-4317)
615.630	r	(P-17741/93;A-4317)
615.640	r	(P-17741/93;A-4317)
615.700	r	(P-17741/93;A-4317)
615.710	r	(P-17741/93;A-4317)
615.720	r	(P-17741/93;A-4317)
615.730	r	(P-17741/93;A-4317)
615.740	r	(P-17741/93;A-4317)
615.750	r	(P-17741/93;A-4317)
615.760	r	(P-17741/93;A-4317)
615.770	r	(P-17741/93;A-4317)
615.600	r	(P-17741/93;A-4317)
615.610	r	(P-17741/93;A-4317)
615.820	r	(P-17741/93;A-4317)
615.830	r	(P-17741/93;A-4317)
615.840	r	(P-17741/93;A-4317)
615.850	r	(P-17741/93;A-4317)
615.Ap.A	n	(P-17798/93;A-4320)
630.220	am	(P-3069/93;A-4380)
635.90	am	(P-19882/93;A-5969)
665.100	am	(P-2697/93;A-4296)
665.110	am	(P-2697/93;A-4296)
665.120	am	(P-2697/93;A-4296)
665.140	am	(P-2697/93;A-4296)
685.150	am	(P-2697/93;A-4296)
865.210	am	(P-2697/93;A-4296)
665.220	am	(P-2697/93;A-4296)
665.230	am	(P-2697/93;A-4296)
665.240	am	(P-2697/93;A-4296)
665.280	am	(P-2697/93;A-4296)
665.310	am	(P-2697/93;A-4296)
665.420	am	(P-2697/93;A-4296)
665.430	am	(P-2697/93;A-4296)
665.510	am	(P-2697/93;A-4296)
665.610	am	(P-2697/93;A-4296)
665.620	am	(P-2697/93;A-4296)
665.630	am	(P-2697/93;A-4296)
665.640	am	(P-2697/93;A-4296)
665.Ap 6	am	(P-2697/93:A-4296)
672.100	am	(P-12228/93,A-2450)
672.105	am	(P-12226/93;A-2450)
672.115	am	(P-12228/93;A-2450)
672.205	am	(P-12228/93;A-2450)
672.210	am	(P-12228/93;A-2450)
672.220	am	(P-12228/93;A-2450)
672.225	am	(P-12228/93;A-2450)
672.300	am	(P-12228/93;A-2450)
672.310	am	(P-12228/93;A-2450)
672.315	am	(P-12228/93;A-2450)
672.405	am	(P-12228/93;A-2450)
672 415	am	(P-12228/93;A-2450)
672.420	am	(P-12228/93;A-2450)
672.425	am	(P-12228/93;A-2450)
672.435	am	(P-12228/93;A-2450)
672.440	am	(P-12228/93;A-2450)
672.450	am	(P-12228/93;A-2450)
672.505	am	(P-12228/93;A-2450)
672.510	am	(P-12228/93;A-2450)
672.515	am	(P-12228/93;A-2450)
672.520	am	(P-12228/93;A-2450)
672.600	am	(P-12228/93;A-2450)
672.605	am	(P-12228/93;A-2450)
672.610	am	(P-12228/93;A-2450)
672.615	am	(P-12228/93;A-2450)
672.620	am	(P-12228/93;A-2450)
672.640	am	(P-12228/93;A-2450)
672.645	am	(P-12228/93;A-2450)
672.650	am	(P-12228/93;A-2450)
672.660	am	(P-12228/93;A-2450)
672.665	am	(P-12228/93;A-2450)
690.100	am	(P-1691;A-10158)
690.110	n	(P-1691;A-10158)
690.200	am	(P-1691;A-10158)
690.300	am	(P-1691;A-10158)
690.310	am	(P-1691;A-10158)
690.320	am	(P-1691;A-10158)
690.325	n	(P-1691;A-10158)
690.330	am	(P-1691;A-10158)
690.350	am	(P-1691;A-10158)
690.365	n	(P-1691;A-10158)
690.370	am	(P-1691;A-10158)
690.390	n	(P-1691;A-10158)
690.400	am	(P-1691;A-10158)
690.410	am	(P-1691;A-10158)
690.420	am	(P-1691;A-10158)
690.450	am	(P-1691;A-10158)
690.460	am	(P-1691;A-10158)
690.470	am	(P-1691;A-10158)
690.475	am	(P-1691;A-10158)
690.480	am	(P-1691;A-10158)
690.490	am	(P-1691;A-10158)
690.495	n	(P-1691;A-10156)
690.505	am	(P-1691;A-10158)
690.510	am	(P-1691;A-10158)
690.530	am	(P-1691;A-10158)
690.540	r	(P-1691;A-10158)
690.560	am	(P-1691;A-10158)
690.570	am	(P-1691;A-10158)
690.590	am	(P-1691;A-10158)
690.600	am	(P-1691;A-10158)
690.610	am	(P-1691;A-10158)
690.630	am	(P-1691;A-10158)
690.640	am	(P-1691;A-10158)
690.650	am	(P-1691;A-10158)
690.660	am	(P-1691;A-10158)
690.670	am	(P-1691;A-10158)

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690.865	am	(P-1691;A-10158)
860.710	am	(P-1881;A-10156)
890.725	n	(P-1691;A-10156)
890.730	n	(P-1691;A-10158)
890.900	am	(P-1691;A-10158)
890.1000	am	(P-1691;A-10158)
890.1010	am	(P-1891;A-10158)
890.1200	am	(P-1891;A-10158)
890.1210	r	(P-1691;A-10158)
890.Ex. A	r	(P-1861;A-10158)
892.10	am	(P-12590/93;A-1427)
892.Ap.A	am	(P-12590/93;A-1427)
892.Ap.B	am	(P-12590/93;A-1427)
893.15	am	(P-6850)
893.30	am	(P-6850)
897.30	am	(P-6648)
897.200	am	(P-8848)
897.210	am	(P-8846)
897.220	am	(P-8846)
790.10	n	(P-3205)(E-3778)
790.20	r	(P-3202)(E-3755)
	n	(P-3205)(E-3778)
790.40	r	(P-3202)(E-3755)
	n	(P-3205)(E-3778)
790.50	n	(P-3205)(E-3778)
790.60	r	(P-3202)(E-3755)
	n	(P-3205)(E-3778)
790.65	n	(P-3205)(E-3778)
790.80	r	(P-3202)(E-3755)
	n	(P-3205)(E-3778)
790.100	r	(P-3202)(E-3755)
790.120	r	(P-3202)(E-3755)
790.140	r	(P-3202)(E-3755)
790.180	r	(P-3202)(E-3755)
790.160	r	(P-3202)(E-3755)
790.200	r	(P-3202)(E-3755)
790.220	r	(P-3202)(E-3755)
790.240	r	(P-3202)(E-3755)
790.260	r	(P-3202)(E-3755)
790.280	r	(P-3202)(E-3755)
790.300	r	(P-3202)(E-3755)
790.320	r	(P-3202)(E-3755)
645.10	am	(P-8021)
645.12	n	(P-8021)
845.26	am	(P-8021)
845.28	am	(P-8021)
645.29	am	(P-8021)
845.30	am	(P-8021)
845.31	n	(P-8021)
845.32	n	(P-8021)
845.33	n	(P-8021)
845.50	am	(P-8021)
845.Ap.A	am	(P-8021)
980.10	n	(P-2180)
980.20	n	(P-2180)
980.30	n	(P-2180)
960.40	n	(P-2180)
960.50	n	(P-2180)
960.60	n	(P-2180)
980.70	n	(P-2180)
880.80	n	(P-2180)
960.90	n	(P-2180)
980.100	n	(P-2180)
980.110	n	(P-2205)
980.120	n	(P-2205)
960.130	n	(P-2205)
980.210	r	(P-2180)
960.220	r	(P-2180)
980.230	r	(P-2180)
980.240	r	(P-2180)
980.250	r	(P-2180)
980.310	r	(P-2180)
980.320	r	(P-2160)
980.330	r	(P-2180)
980.340	r	(P-2180)
980.350	r	(P-2180)
970.10	n	(P-9354)(E-9549)
970.20	n	(P-9354)(E-9549)
970.30	n	(P-9354)(E-9549)
970.40	n	(P-9354)(E-9549)
970.50	n	(P-9354)(E-9549)
970.80	n	(P-9354)(E-9549)
970.70	n	(P-9354)(E-9549)
970.80	n	(P-9354)(E-9549)
970.90	n	(P-9354)(E-9549)
970.100	n	(P-9354)(E-9549)
970.110	n	(P-9354)(E-9549)
1100.670	am	(P-12606/93;A-2986)
1100.740	n	(P-8144/93;A-6448)
1100.750	n	(P-9357)
1110.1810	am	(P-12593/93;A-2993)
1110.1830	am	(P-12593/93;A-2993)
1110.2510	n	(P-6149/93;A-8455)
1110.2520	n	(P-8149/93;A-8455)
1110.2530	n	(P-8149/93;A-8455)
1110.2540	n	(P-8149/93;A-8455)
1110.2550	n	(P-8149/93;A-8455)
1110.2810	n	(P-9364)
1110.2820	n	(P-9364)
1110.2830	n	(P-9364)
1110.2640	n	(P-9364)
1110.2650	n	(P-9364)
1130.140	am	(P-8867)
1130.210	am	(P-8867)
1130.310	am	(P-8667)
1130.410	am	(P-8867)
1130.520	am	(P-8667)
1130.525	am	(P-8867)
1130.530	r	(P-6867)
1130.570	am	(P-6867)
1130.620	am	(P-8867)
1130.650	am	(P-8867)
1130.710	am	(P-8887)
1130.720	am	(P-8867)
1130.730	am	(P-8867)
1130.740	am	(P-8867)
1130.750	am	(P-8887)
1130.760	am	(P-8887)
1130.770	am	(P-8867)
1130.780	am	(P-6867)
1130.790	n	(P-6867)
1130.Ap.A	am	(P-6861)
1400.10	am	(P-4538)
1400.20	r	(P-4538)
1400.30	r	(P-4538)
1400.110	am	(P-4538)
1400.Tb.A	r	(P-4538)
1400.Tb.B	r	(P-4536)
2090.20	am	(P-5029;C-6731)
2090.35	n	(P-5029;C-8731)
2090.40	am	(P-5029;C-8731)
2090.70	am	(P-5029;C-8731)
2090.100	am	(P-5029;C-8731)
2090.110	am	(P-5029;C-8731)
2510.50	am	(P-18944/93;A-5300)
2510.55	am	(P-18944/93;A-5300)
2510.70	am	(P-16944/93;A-5300)
2510.Ap.B	am	(P-16944/93;A-5300)
2510.Ap.C	am	(P-16944/93;A-5300)
2510.Ap.D	am	(P-16944/93;A-5300)
	am	(P-8274)
2510.Ap.E	am	(P-16944/93;A-5300)
		(P-8274)
2530.Ap.B	am	(P-19007/93;A-5343)

TITLE 60

250.110	am	(P-16453/93;A-1901)
302.570	am	(P-14786/93;A-1892)
302.625	am	(P-14766/93;A-1892)
302.640	am	(P-14786/93;A-1692)
310.40	am	(P-21233/93;A-5146)
310.270	am	(P-21233/93;A-5146)
310.280	am	(P-21233/93;A-5146)
310.290	am	(P-14314/93;A-1107)
310.450	am	(P-14314/93;A-1107)
310.455	am	(P-14314/93;A-1107)
310.490	am	(P-14314/93;A-1107)
310.495	am	(P-13657/93;A-227)
310.530	am	(P-14314/93;A-1107)
310.540	am	(P-14314/93;A-1107)
310.Ap.A.Tb.A	am	(PP-9582)
310.Ap.A.Tb.B	am	(PP-9582)
310.Ap.A.Tb.C	am	(PP-9562)
310.Ap.A.Tb.H	am	(PP-9582)
310.Ap.A.Tb.I	am	(PP-9582)
310.Ap.A.Tb.J	am	(PP-9582)
310.Ap.A.Tb.N	am	(PP-9562)
310.Ap.A.Tb.O	am	(PP-9562)
310.Ap.A.Tb.R	am	(PP-9562)
310.Ap.A.Tb.T	am	(P-21233/93;A-5146)
310.Ap.A.Tb.W	am	(PP-9562)
310.Ap.A.Tb.X	am	(PP-9582)
310.Ap.A.Tb.Y	am	(PP-9582)
310.Ap.A.Tb.Z	am	(PP-9582)
310.Ap.C	am	(P-14314/93;A-1107)
310.Ap.D	am	(P-14314/93;A-1107)
310.Ap.G	am	(P-13657/93;A-227)
		(P-14314/93;A-1107)
1650.160	am	(P-22487/93;A-6349)
1850.160	am	(P-22487/93;A-6349)
1650.181	n	(P-22487/93;A-8349)
		(P-6904)(E-8949)
1650.182	n	(P-22487/93;A-8349)
1650.210	am	(P-22487/93;A-6349)
1650.230	am	(P-22487/93;A-8349)
1650.250	am	(P-22487/93;A-8349)
1650.280	am	(P-22487/93;A-8349)
1650.290	am	(P-22487/93;A-6349)
1650.340	am	(P-22487/93;A-8349)
1650.440	am	(P-22487/93;A-6349)
1650.450	am	(P-22487/93;A-6349)
1650.460	am	(P-22487/93;A-6349)
1650.520	am	(P-22487/93;A-8349)
1650.560	am	(P-22487/93;A-8349)
1650.620	am	(P-22487/93;A-8349)
1650.840	am	(P-22487/93;A-8349)
1850.850	am	(P-22487/93;A-8349)
2850.1	am	(RC-3151)
2650.10	am	(RC-3151)
2650.15	am	(RC-3151)
2650.25	am	(RC-3151)
2650.30	am	(RC-3151)
2650.40	n	(RC-3151)

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2850.50	n	(RC-3151)
2850.60	n	(RC-3151)
2850.70	n	(RC-3151)
2700.110	am	(P-19755/93;A-7224)
2700.200	am	(P-19755/93;A-7224)
2700.320	am	(P-19755/93;A-7224)
2700.410	am	(P-19755/93;A-7224)
2700.420	am	(P-19755/93;A-7224)
2700.430	am	(P-19755/93;A-7224)
2700.440	am	(P-19755/93;A-7224)
2700.450	am	(P-19755/93;A-7224)
2700.800	am	(P-19755/93;A-7224)
2700.820	am	(P-19755/93;A-7224)
2700.830	am	(P-19755/93;A-7224)
2700.640	am	(P-19755/93;A-7224)
2700.650	am	(P-19755/93;A-7224)
2700.670	am	(P-19755/93;A-7224)
2700.700	am	(P-19755/93;A-7224)
2700.710	am	(P-19755/93;A-7224)
2700.720	am	(P-19755/93;A-7224)
2700.730	am	(P-19755/93;A-7224)
2700.735	am	(P-19755/93;A-7224)
2700.740	am	(P-19755/93;A-7224)
2700.750	am	(P-19755/93;A-7224)
2700.760	am	(P-19755/93;A-7224)
2700.620	am	(P-19755/93;A-7224)
2700.Ex.B	r	(P-19755/93;A-7224)
2700.Ex.C	r	(P-19755/83;A-7224)
2700.Ex.D	r	(P-19755/93;A-7224)
2700.Ex.E	r	(P-19755/93;A-7224)
2700.Ex.F	r	(P-19755/93;A-7224)

TITLE 83

200.675	n	(P-22117/93;A-7748)
260.50	am	(P-916)
260.76	n	(P-6362/93;A-6160)
280.130	am	(P-918)
285.2045	am	(P-2723)
285.3005	am	(P-2723)
315.10	am	(P-202/93:A-676)
315.20	am	(M-795)(P-202/93; A-878)
315.30	am	(P-202/93:A-676)
315.40	n	(P-202/93:A-878)
315.50	n	(P-202/93:A-876)
315.80	n	(P-202/93:A-876)
315.70	n	(P-202/93:A-676)
415.10	am	(P-937)
415.20	am	(P-937)
415.210	am	(P-937)
415.250	am	(P-937)
415.270	r	(P-937)
415.260	r	(P-937)
415.411	n	(P-4490)
415.4118	n	(P-4490)
415.420	r	(P-937)
415.430	am	(P-937)
415.450	r	(P-937)
415.1020	r	(P-937)
415.1060	r	(P-937)
415.4116	n	(P-4490)
415.4119	n	(P-4490)
415.2010	n	(P-937)
415.2070	n	(P-937)
415.2110	n	(P-937)
415.2140	n	(P-937)
415.4390	am	(P-937)
425.40	am	(P-4483)
425.50	am	(P-4483)
505.10	am	(P-946)
505.20	am	(P-946)
505.210	am	(P-946)
505.250	am	(P-948)
505.270	r	(P-948)
505.280	r	(P-946)
505.330	am	(P-946)
505.370	am	(P-946)
505.420	r	(P-946)
505.430	am	(P-946)
505.450	r	(P-946)
505.470	am	(P-948)
505.500	am	(P-946)
505.1020	r	(P-946)
505.1080	r	(P-946)
505.2010	n	(P-946)
505.2070	n	(P-946)
505.2110	n	(P-946)
505.2140	n	(P-946)
505.4090	r	(P-946)
505.4390	am	(P-946)
535.10	r	(P-6081)
535.15	r	(P-6081)
535.100	r	(P-6081)
535.110	r	(P-6081)
535.115	r	(P-6081)
535.120	r	(P-6081)
535.200	r	(P-6081)
535.205	r	(P-6081)
535.210	r	(P-6081)
535.220	r	(P-6081)
535.300	r	(P-6081)
535.305	r	(P-6081)
535.310	r	(P-6081)
535.320	r	(P-6081)
535.330	r	(P-6081)
535.340	r	(P-6081)
535.350	r	(P-6081)
535.360	r	(P-6081)
535.400	r	(P-6081)
535.410	r	(P-6081)
535.500	r	(P-6081)
535.510	r	(P-6081)
590.10	am	(P-2720)
735.70	am	(P-12483/93;A-4146)
735.100	am	(P-927)
735.121	n	(P-6386/93;A-6164)
735.130	am	(P-927)
770.10	am	(P-6099)
770.20	am	(P-6099)
770.30	am	(P-6099)
770.40	n	(P-6099)
770.50	n	(P-6099)
770.60	n	(P-6099)
772.10	n	(P-7156)
772.20	n	(P-7156)
772.30	n	(P-7156)
772.35	n	(P-7156)
772.40	n	(P-7156)
772.45	n	(P-7156)
772.50	n	(P-7156)
772.55	n	(P-7156)
772.60	n	(P-7156)
772.70	n	(P-7156)
772.80	n	(P-7156)
772.90	n	(P-7156)
772.100	n	(P-7156)
772.110	n	(P-7156)
772.120	n	(P-7156)
772.130	n	(P-7156)
772.135	n	(P-7158)
772.140	n	(P-7156)
772.150	n	(P-7156)
790.5	n	(P-8147)
790.10	n	(P-6147)
790.100	n	(P-6147)
790.110	n	(P-6147)
790.120	n	(P-8147)
790.130	n	(P-8147)
790.200	n	(P-6147)
790.210	n	(P-6147)
790.220	n	(P-6147)
790.230	n	(P-6147)
790.240	n	(P-6147)
790.300	n	(P-6147)
792.10	n	(P-11988/93;A-1919)
792.20	n	(P-11988/93;A-1919)
792.30	n	(P-11988/93;A-1919)
792.40	n	(P-11988/93;A-1919)
792.50	n	(P-11988/93;A-1919)

TITLE 66

100.2470	am	(P-21163/93;A-7768)
	am	(P-9377)
100.3350	am	(P-17861/93;A-2494)
100.5020	am	(P-15471/93;A-1510)
100.5140	am	(P-15471/93,A-1510)
100.5230	am	(P-15471/93;A-1510)
100.5250	am	(P-15471/93;A-1510)
100.7095	am	(P-15471/93;A-1510)
100.7310	am	(P-15471/93;A-1510)
100.9000	am	(P-15471/93;A-1510)
100.9100	am	(P-15471/93;A-1510)
100.9400	am	(P-15471/93;A-1510)
100.9420	am	(P-15471/93;A-1510)
120.10	am	(P-1789)
130.455	n	(P-6684)
130.901	am	(P-15501/93;A-1537)
130.905	am	(P-15501/93;A-1537)
130.2007	am	(P-982)
140.801	am	(P-15515/93;A-1550)
140.1415	am	(P-15515/93;A-1550)
150.1001	am	(P-15527/93;A-1584)
150.1415	am	(P-15527/93;A-1584)
160.140	am	(P-15522/93;A-1557)
430.110	am	(P-4101)
432.110	am	(P-4117)
435.120	am	(P-4109)
500.101	re	(A-4451)
500.102	re	(A-4451)
500.103	re	(A-4451)
500.105	re	(A-4451)
500.110	re	(A-4451)
500.115	re	(A-4451)
500.120	re	(A-4451)
500.125	re	(A-4451)
500.130	re	(A-4451)
500.135	re	(A-4451)
500.140	re	(A-4451)
500.145	re	(A-4451)
500.150	re	(A-4451)
500.155	re	(A-4451)
500.160	re	(A-4451)
500.165	re	(A-4451)

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500.170	re	(A-4451)
500.175	re	(A-4451)
500.180	re	(A-4451)
500.185	re	(A-4451)
500.190	re	(A-4451)
500.195	re	(A-4451)
500.200	re	(A-4451)
500.201	re	(A-4451)
500.205	re	(A-4451)
500.210	re	(A-4451)
500.215	re	(A-4451)
500.220	re	(A-4451)
500.225	re	(A-4451)
500.230	re	(A-4451)
500.235	re	(A-4451)
700.100	n	(P-18421/93;A-1561)
700.110	n	(P-18421/93;A-1561)
700.200	n	(P-18421/93;A-1581)
700.210	n	(P-16421/93;A-1561)
700.220	n	(P-16421/93;A-1581)
700.230	n	(P-16421/93;A-1581)
700.300	n	(P-16421/93;A-1581)
	am	(P-9394)
700.310	n	(P-18421/93;A-1561)
700.320	n	(P-18421/93;A-1581)
700.330	n	(P-16421/93;A-1581)
700.340	n	(P-18421/93;A-1581)
700.400	n	(P-18421/93;A-1581)
700.500	n	(P-18421/93;A-1581)
750.300	am	(P-8112)
750.400	am	(P-8112)
750.900	am	(P-8112)

TITLE 89

102.25	am	(P-2602;A-8938)
102.200	am	(P-15461/93;A-273)
102.210	am	(P-15461/93;A-273)
102.220	am	(P-15461/93;A-273)
102.230	am	(P-15481/93;A-273)
102.235	n	(P-15481/93;A-273)
102.240	am	(P-15481/93;A-273)
102.250	am	(P-15481/93;A-273)
111.20	am	(P-22282/93;A-7009)
111.101	am	(P-22282/93;A-7009)
111.101	am	(P-18764/93;A-2029)
112.70	am	(P-2753)
112.71	am	(P-2753)
112.72	am	(P-2753)
112.74	am	(P-2753)
112.76	am	(P-2753)
112.77	am	(P-2753)
112.78	am	(P-2753)
112.79	am	(P-2753)
112.80	am	(P-2753)
112.81	am	(P-2753)
112.82	am	(P-2753)(P-7208)
112.83	am	(P-2753)
112.84	am	(P-2753)
112.85	am	(P-2753)
112.98	am	(P-2753)
112.110	am	(P-4548)
112.130	am	(P-19438/93;A-5909)
112.131	am	(P-19436/93;A-5909)
112.140	am	(P-2578;A-8703)
112,141	am	(P-18436/93;A-5909)
112.142	am	(P-18438/93;A-5808)
112.143	am	(P-19438/93;A-5909)
112.144	am	(P-19438/93;A-5909)
112.145	am	(P-19438/93;A-5909)
112.147	am	(P-19438/93;A-5909)
112.151	am	(P-4546;A-8703)
112.155	am	(P-19438/83;A-5909)
112.252	am	(P-22247/93;A-6994)
112.253	am	(P-22247/93;A-8994)
112.254	am	(P-22247/83;A-8994)
112.300	am	(P-2587;A-8703)
112.302	am	(P-19438/93;A-5909)
112.350	am	(P-19438/93;A-5908)
112.352	am	(P-19436/93;A-5909)
112.354	am	(P-19438/93;A-5909)
112.356	am	(P-19438/83;A-5909)
112.151	am	(P-4546)
113.113	am	(P-4582)
113.141	am	(P-4562)
113.155	am	(P-13380/93;A-2018)
113.253	am	(P-21982/93;A-7759)
113.280	am	(P-21982/93;A-7759)
114.210	am	(P-4588)
114.235	am	(P-19443/93;A-3436)
114.241	am	(P-19443/93;A-3436)
114.243	am	(P-19443/93;A-3436)
114.251	am	(P-22308/93;A-4586)
114.351	am	(P-22308/93;A-7390)
114.352	am	(P-22308/93;A-7390)
114.353	am	(P-7390)
114.450	am	(P-19443/93;A-3436)
114.452	am	(P-19443/93;A-3436)
114.454	am	(P-19443/93;A-3438)
114.456	am	(P-19443/93;A-3436)
114.466	am	(P-19443/93;A-3436)
115.10	am	(P-9346)
115.30	am	(P-9346)
115.40	am	(P-9346)
117.10	am	(P-21158/93;A-3746)
117.54	am	(P-22007/93;A-7403)
120.20	am	(P-22321/93;A-8718)
120.30	am	(P-22321/93;A-8718)
120.318	am	(P-13392/93;A-2051)
120.324	r,n	(P-21266/93;A-5934)
120.325	r,n	(P-21266/93;A-5934)
120.326	n	(P-21268/93;A-5934)
120.327	n	(P-21266/93;A-5934)
120.382	am	(P-4063;A-8718)
120.388	am	(P-4063;A-8718)
120.388	am	(P-13392/93;A-2051)
121.27	n	(P-18425/93;A-2033)
121.28	n	(P-18425/93;A-2033)
121.29	n	(P-18425/93;A-2033)
121.58	am	(P-4575)
121.83	am	(P-6251)
121.70	am	(P-6251)
121.72	am	(P-6251)
121.170	am	(P-18405/93;A-3427)
121.174	am	(P-16405/93;A-3427)
121.182	am	(P-18425/93;A-2033)
		(P-2178;A-8921)
		(E-2509)
121.188	am	(P-21991/93;A-8921)
140.2	am	(P-18436/93;A-3820)
140.3	am	(P-18768/93;A-5778)
140.12	am	(P-18436/93;A-3620)
140.24	am	(P-5951)
140.27	am	(P-5951)
140.40	am	(P-18438/93;A-3820)
140.71	am	(P-17738/93;A-3820)
140.80	am	(P-17738/93;A-3820)
140.82	am	(P-17738/93;A-3820)
140.84	am	(P-17738/93;A-3820)
140.400	am	(P-18436/93;A-3620)
140.413	am	(P-18436/93;A-3620)
140.420	am	(P-15444/93;A-4250)
140.421	am	(P-15444/93;A-4250)
140.440	am	(P-4597)
140.442	am	(P-4597)
140.443	am	(P-4597)
140.460	am	(P-18438/93;A-3620)
140.461	am	(P-17738/93;A-3620)
140.462	am	(P-18436/93;A-3620)
140.463	am	(P-18436/93;A-3820)
140.464	am	(P-18438/93;A-3820)
140.469	am	(P-19012/93;A-4250)
140.485	am	(P-17736/93;A-3620)
140.514	am	(P-9298)
140.523	am	(P-18438/93;A-3620)
140.530	am	(P-4077)
140.538	am	(P-9298)
140.643	am	(P-18768/93;A-5778)
140.645	am	(P-18768/93;A-5778)
140.850	r	(P-9296)
140.855	r	(P-9296)
140.860	r	(P-9296)
140.865	am	(P-4597;W-8730)
	r	(P-9296)
140.870	am	(P-4597;W-8730)
	r	(P-9298)
140.875	r	(P-9296)
140.880	r	(P-9296)
140.885	r	(P-9296)
140.890	r	(P-9296)
140.895	r	(P-9296)
140.920	n	(P-18436/93;A-3620)
140.922	n	(P-17736/93;A-3620)
140.924	n	(P-18436/93;A-3620)
140.926	n	(P-18436/93;A-3620)
140.928	n	(P-18436/93;A-3620)
140.930	n	(P-17736/93;A-3620)
140.932	n	(P-18436/93;A-3620)
140.Tb.K	r	(P-9296)
140.Tb.L	r	(P-9296)
140.Tb.M	n	(P-17736/93;A-3620)
147.105	am	(P-18788/93;A-4271)
147.150	am	(P-14803/93;A-2405)
147.205	am	(P-14803/93;A-2405)
148.20	am	(P-15291/93;A-3450)
148.25	am	(P-15291/93;A-3450)
148.40	am	(P-15291/93;A-3450)
148.50	am	(P-15291/83;A-3450)
148.60	am	(P-15291/93;A-3450)
148.70	am	(P-15291/93;A-3450)
148.82	am	(P-15291/93;A-3450)
	am	(P-5135)
148.120	am	(P-15291/93;A-3450)
148.130	am	(P-15291/93;A-3450)
148.140	am	(P-15291/93;A-3450)
148.150	am	(P-15291/93;A-3450)
148.160	am	(P-15291/93;A-3450)
148.170	am	(P-15291/93;A-3450)
148.180	am	(P-15291/93;A-3450)
148.200	am	(P-15291/93;A-3450)
148.210	am	(P-15291/93;A-3450)
148.230	am	(P-15291/93;A-3450)
148.240	am	(P-15291/93;A-3450)
148.250	am	(P-15291/93;A-3450)

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148.280	am	(P-15291/93;A-3450)
148.270	am	(P-15291/93;A-3450)
148.280	am	(P-15291/93,A-3450)
148.290	am	(P-15291/93;A-3450)
148.310	am	(P-15291/93;A-3450)
149.5	am	(P-15243/93;A-3378)
149.10	am	(P-15243/93;A-3378)
149.25	am	(P-15243/83;A-3378)
149.50	am	(P-15243/93;A-3378)
149.75	am	(P-15243/93;A-3378)
149.100	am	(P-15243/93;A-3378)
149.105	am	(P-15243/93;A-3378)
149.125	am	(P-15243/93;A-3378)
149.140	am	(P-15243/93;A-3378)
149.150	am	(P-15243/93;A-3378)
152.100	n	(P-1877;A-(E-2150)
152,150	n	(P-1677;A-10141)(E-2150)
152.200	n	(P-1677;A-10141)(E-2150)
152.250	n	(P-1677;A-10141)(E-2150)
153.100	n	(P-1688;A-10154)(E-2159)
160.5	am	(P-12067;A-697)
160.60	am	(P-497)
160.85	am	(P-12067;A-697)
160.70	am	(P-12067;A-697)
170.50	am	(P-19440/93;A-3372)
170.250	n	(P-19440/93;A-3372)
230.360	am	(P-5720)
230.381	am	(P-5720)
230.362	am	(P-5720)
230.363	am	(P-5720)
230.384	r	(P-5720)
230.385	am	(P-5720)
230.368	n	(P-5720)
240.120	am	(P-14225/93;A-609)
240.160	am	(P-14225/93;A-609)
240.210	am	(P-14225/93;A-609)
240.220	r	(P-14225/93;A-609)
240.270	am	(P-14225/93;A-609)
240.280	am	(P-14225/93;A-609)
240.350	am	(P-14225/93;A-609)
240.430	am	(E-5355)(P-5348)
240.870	am	(P-14225/93;A-609)
240.910	am	(P-14225/93;A-609)
240.1510	am	(P-14225/93;A-609)
240.1520	am	(P-14225/93;A-609)
240.1535	am	(P-14225/93;A-609)
240.1540	r	(P-14225/93;A-609)
240.1545	r	(P-14225/93;A-609)
240.1590	am	(P-14225/93;A-609)
240.1600	am	(P-14225/93;A-609)
240.1810	am	(P-14225/93;A-809)
240.1630	am	(P-14225/93;A-609)
240.1920	am	(P-14225/93;A-609)
240.1930	am	(P-14225/93;A-809)
240.2020	am	(P-14225/93;A-609)
240.2030	am	(P-14225/93;A-609)
240.2040	am	(P-14225/93;A-609)
240.2050	am	(P-14225/93;A-609)
260.100	n	(P-3802;A-9895)
260.200	n	(P-3802;A-9895)
260.300	n	(P-3802;A-9895)
280.400	n	(P-3802;A-9895)
300.20	am	(P-15218/93;A-8601)
300.130	am	(P-18271/93;A-8377)
300.160	am	(P-18271/93;A-8377)
300,Ap.B	am	(P-8240)
305.20	am	(P-6467)
305.30	am	(P-6467)
305,40	am	(P-8467)
314.10	n	(P-17593/93;A-8366)
314.20	n	(P-17593/93;A-8368)
314.30	n	(P-17593/93;A-8388)
314.40	n	(P-17593/93;A-8388)
314.50	n	(P-17593/93;A-8366)
314.60	n	(P-17593/93;A-8366)
314.70	n	(P-17593/93;A-8366)
314.80	n	(P-17593/93;A-8368)
314.90	n	(P-17593/93;A-8366)
314.100	n	(P-17593/93;A-8388)
325.10	n	(P-8765)
325.20	n	(P-8765)
325.30	n	(P-8765)
325.40	n	(P-8765)
325.50	n	(P-8765)
325.60	n	(P-8765)
325.70	n	(P-8765)
335.208	n	(P-6681)
358.1	r	(P-8786)
358.2	r	(P-8786)
358.3	r	(P-8786)
358.4	r	(P-8786)
358.5	r	(P-8786)
358.6	r	(P-8786)
358.7	r	(P-8786)
358.8	r	(P-8786)
380.1	r	(P-8779)
380.2	r	(P-8779)
380.3	r	(P-8779)
380.4	r	(P-8779)
380.5	r	(P-8779)
380.6	r	(P-8779)
380.7	r	(P-8779)
380.8	r	(P-8779)
380.9	r	(P-8779)
380.10	r	(P-8779)
380.11	r	(P-8779)
380.12	r	(P-8779)
380.13	r	(P-8779)
380.14	r	(P-8779)
384.1	#,am	(P-8528)
384 2	#,am	(P-8528)
384.3	#,am	(P-8528)
384.4	#,am	(P-8528)
384.5	am	(E-8474)
	r	(P-8528)
384.30	n	(P-8528)
384.60	n	(P-8528)
384.70	n	(P-8528)
384.80	n	(P-8528)
384.90	n	(P-8528)
384.100	n	(P-8528)
384.110	n	(P-8528)
384.120	n	(P-8528)
384.130	n	(P-8528)
385.10	am	(P-8219)
385.20	am	(P-8219)
385.30	n	(P-8219)
385.40	n	(P-8219)
385.50	#,am	(P-8219)
385.60	#,am	(P-8219)
385.70	#,am	(P-8219)
385.80	n	(P-8219)
385.90	#,am	(P-8219)
385.100	#	(P-8219)
385.Ap.A	n	(P-8219)
402.2	am	(P-8237;RC-10499)(E-8481)
402.7	am	(P-8237)(E-8481)
406.8	am	(P-2683)
406.9	am	(P-2683)
408.12	am	(RC-3152)(P-5531)
408.13	am	(P-2883)(RC-3152)(P-5531)
406.14	am	(RC-3152)(P-5531)
408.30	am	(P-2700)
408.40	am	(P-2700)
408.45	am	(P-2700)
408.60	am	(P-11976/93;A-5540)(RC-3153)A-5540)
408.65	am	(P-2700)(P-11976/93;A-5540)(RC-3153)
408.70	am	(P-11976/93;A-5540)(RC-3153)
428.10	am	(P-561)
428.20	am	(P-561)
428.30	am	(P-561)
428.40	am	(P-561)
428.50	n	(P-561)
428.60	am	(P-561)
428.70	am	(P-561)
428.90	am	(P-561)
431.1	am	(CC-7951)
431.2	am	(CC-7951)
431.3	am	(CC-7951)
431.4	am	(CC-7951)
431.5	am	(CC-7951)
431.6	am	(CC-7951)
431.7	am	(CC-7951)
431.8	am	(CC-7951)
431.9	am	(CC-7951)
431.10	am	(CC-7591)
431.11	am	(CC-7591)
431.12	am	(CC-7591)
431.15	am	(CC-7951)(P-7554)
431.20	am	(CC-7951)(P-7554)
431.30	am	(CC-7951)(P-7554)
431.40	am	(CC-7951)(P-7554)
431.50	am	(CC-7951)(P-7554)
431.60	n	(P-7554)
431.70	am	(CC-7951)(P-7554)
431.80	n	(P-7554)
431.90	am	(CC-7951)(P-7554)
431.100	am	(CC-7951)(P-7554)
431.110	am	(CC-7951)(P-7554)
431.120	am	(CC-7951)(P-7554)
431.130	am	(CC-7951)(P-7554)
431.140	am	(CC-7951)(P-7554)
434.1	am	(P-7115/93;A-6697)
434.2	am	(P-7115/93;A-6697)
434.3	am	(P-7115/93;A-6697)
434.4	am	(P-7115/93;A-6697)
434.5	am	(P-7115/93;A-6697)
434.6	am	(P-7115/93;A-6697)
434.7	am	(P-7115/93;A-6697)
	am	(P-8777)(E-8944)
434.8	am	(P-7115/93;A-6697)
434.9	am	(P-7115/93;A-6697)

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434.10	am	(P-7115/93;A-6697)
434.11	am	(P-7115/93;A-6697)
434.12	am	(P-7115/93;A-6697)
426.150	am	(P-561)
437.7	am	(P-7579)
515.800	n	(P-2846)
515.810	n	(P-2848)
515.820	n	(P-2848)
515.630	n	(P-2846)
515.640	n	(P-2848)
515.850	n	(P-2846)
548.10	n	(P-1784;A-10241)
590.650	am	(P-3106)
590.660	am	(P-3106)
590.670	am	(P-3106)
590.675	n	(P-3106)
590.680	am	(P-3106)
640.10	n	(P-4097)
640.20	n	(P-4097)
688.10	am	(P-4093)
688.20	am	(P-4093)
888.30	am	(P-4093)
688.40	am	(P-4093)
830.150	n	(P-8287)
1200.30	am	(P-7780/93;A-2104)
1200.50	am	(P-7780/93;A-2104)
1200.70	am	(P-7780/93;A-2104)
1200.Ap.A	am	(P-7780/93;A-2104)

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14.902	n	(P-5796)
14.905	am	(P-5796)
14.910	am	(P-5796)
14.920	am	(P-5796)
14.925	am	(P-5796)
14.930	am	(P-5796)
14.940	am	(P-5796)
14.945	am	(P-5796)
14.950	am	(P-5796)
14.955	am	(P-5798)
14.960	am	(P-5796)
14.965	am	(P-5796)
14.970	am	(P-5796)
14.975	am	(P-5796)
14.980	am	(P-5796)
14.985	am	(P-5796)
14.900	am	(P-5798)
14.955	am	(P-5796)
14.997	am	(P-5796)
14.998	am	(P-5796)
14.999	am	(P-5796)
107.3	am	(P-2133/93;A-7881)
107.103	am	(P-2133/93;A-7881)
107.105	am	(P-2133/93;A-7881)
107.111	am	(P-2133/93;A-7881)
107.123	am	(P-2133/93;A-7881)
107.315	am	(P-2133/93;A-7881)
107.317	am	(P-2133/93;A-7881)
107.801	n	(P-2133/93;A-7881)
171.4	#	(P-21314/93;A-7881)
171.5	am	(P-21314/93;A-7881)
171.15	am	(P-21314/93;A-7881)
171.17	#,am	(P-21314/93;A-7881)
171.21	#	(P-21314/93;A-7881)
171.1000	am	(P-21314/93;A-7881)
172.2000	am	(P-21328/93;A-7874)
172.2215	am	(P-21328/93;A-7874)
173.3000	am	(P-21345/93;A-7895)
177.2000	am	(P-21305/93;A-7852)
178.2000	am	(P-21351/93;A-7901)
179.2000	am	(P-21362/93;A-7912)
180.2000	am	(P-21360/93;A-7857)
386.1000	am	(P-13734/93;A-778)
390.1010	am	(P-13734/93;A-778)
	am	(P-2912;A-10359)
390.1020	am	(P-2912;A-10359)
390.1140	am	(P-13734/93;A-778)
390.1000	am	(P-13986/93;A-754)
390.1010	am	(P-13986/93;A-754)
		(P-2912)
390.1020	am	(P-13986/93;A-754)
		(P-2912)
390.1030	am	(P-13986/93;A-754)
390.2000	am	(P-13986/93;A-754)
391.1000	am	(P-13739/93;A-783)
391.2000	am	(P-13739/93;A-783)
392.2000	am	(P-13690/93;A-740)
		(P-2909;A-10362)
393.2000	am	(P-13730/93;A-774)
395.2000	am	(P-13693/93;A-743)
396.2000	am	(P-13699/93;A-749)
398.2010	am	(P-13699/93;A-749)
397.1010	am	(P-13686/93;A-736)
397.1020	am	(P-13686/93;A-736)
440.410	am	(P-6272)
440.420	am	(P-6272)
442.130	am	(P-8304)
442.205	am	(P-6304)
442.230	am	(P-6304)
442.270	am	(P-6304)
442.285	am	(P-6304)
442.710	am	(P-6304)
444.5	n	(P-6318)
444.10	am	(P-6318)
444.15	n	(P-6318)
444.20	am	(P-6318)
450.110	am	(P-7733)
450.120	am	(P-7733)
450.130	am	(P-7733)
450.220	am	(P-7733)
456.60	am	(P-4126)
456.70	am	(P-4126)
518.20	am	(P-12628/93;A-283)
518.750	am	(P-12628/93;A-283)
533.10	n	(P-18447/93;A-2625)
533.20	n	(P-18447/93;A-2625)
533.30	n	(P-18447/93;A-2625)
533.40	n	(P-18447/93;A-2625)
533.50	n	(P-18447/93;A-2625)
533.60	n	(P-18447/93;A-2625)
533.70	n	(P-18447/93;A-2625)
600.10	n	(P-12613/93;A-540)
600.20	n	(P-12613/93;A-540)
600.30	n	(P-12613/93;A-540)
600.40	n	(P-12613/93;A-540)
600.50	n	(P-12613/93;A-540)
600.60	n	(P-12613/93;A-540)
600.70	n	(P-12613/93;A-540)
600.80	n	(P-12613/93;A-540)
600.90	n	(P-12613/93;A-540)
600.100	n	(P-12613/93;A-540)
800.110	n	(P-12613/83;A-540)
800.120	n	(P-12613/93;A-540)
800.130	n	(P-12613/93;A-540)
700.20	am	(P-807;A-)
		(E-790)
700.75	n	(P-807;A-)
		(E-790)
708.60	am	(P-1811)
708.70	am	(P-1811)
1001.410	am	(P-7731)(E-7916)
1001.441	n	(P-7731)(E-7916)
1001.442	n	(P-7731)(E-7916)
1001.443	n	(P-7731)(E-7916)
1030.96	n	(P-993;A-7478)
1030.97	n	(P-15803/93;A-1591)
1040.20	am	(P-2853)
1040.35	am	(P-2608;RC-10502)
1040.43	am	(P-1797;A-7447)
1060.5	am	(P-142;A-7788)
1060.10	am	(P-142;A-7788)
1060.20	am	(P-142;A-7788)
1060.30	am	(P-142;A-7788)
1060.40	am	(P-142;A-7788)
1060.50	am	(P-142;A-7788)
1060.60	am	(P-142;A-7788)
1060.70	am	(P-142;A-7788)
1060.80	am	(P-142;A-7768)
1060.90	am	(P-142;A-7788)
1060.100	am	(P-142;A-7788)
1060.110	am	(P-142;A-7788)
1060.120	am	(P-142;A-7788)
1060.130	am	(P-142;A-7788)
1060.140	am	(P-142;A-7788)
1060.150	am	(P-142;A-7788)
1060.160	am	(P-142;A-7788)
1060.170	am	(P-142;A-7788)
1060.180	am	(P-142;A-7788)
1060.190	am	(P-142;A-7788)
1060.200	am	(P-142;A-7768)
1070.40	am	(P-2217)
1070.60	am	(P-2217)
1070.80	am	(P-2217)(EC-3016)
1070.90	am	(P-2217)
1070.100	am	(P-2217)
1236.10	n	(P-8635/93;A-1924)
1375.10	r	(P-8635/93;A-1927)
1375.15	r	(P-8635/93;A-1927)
1375.20	r	(P-8635/93;A-1927)
1375.30	r	(P-8635/93;A-1927)
1375.40	r	(P-8635/93;A-1927)
1375.50	r	(P-8635/93;A-1927)
1375.60	r	(P-8635/93;A-1927)
1375.80	r	(P-8635/93;A-1927)
1375.85	r	(P-8635/93;A-1927)
1375.1000	r	(P-8635/93;A-1927)
1375.1010	r	(P-8635/93;A-1927)
1375.1020	r	(P-8635/93;A-1927)
1375.1030	r	(P-8635/93;A-1927)
1375.1040	r	(P-8635/93;A-1927)
1375.1050	r	(P-8635/93;A-1927)
1375.1060	r	(P-8635/93;A-1927)
1375.1070	r	(P-8635/93;A-1927)
1375.1080	r	(P-8635/93;A-1927)
1375.1090	r	(P-8635/93;A-1927)
1375.1100	r	(P-8835/93;A-1927)
1375.1110	r	(P-8835/93;A-1927)
1375.1120	r	(P-8635/93;A-1927)
1375.1130	r	(P-8635/93;A-1927)
1375.1140	r	(P-8635/93;A-1927)
1375.1150	r	(P-8635/93;A-1927)
1375.1160	r	(P-8835/93;A-1927)
1375.1170	r	(P-8835/93;A-1927)

(Title 92, cont.)

1375.2010	r	(P-8835/93;A-1927)
1375.2020	r	(P-8635/93;A-1927)
1375.2030	r	(P-8635/93;A-1927)
1375.2040	r	(P-8635/93;A-1927)
1375.2050	r	(P-8635/93;A-1927)
1375.2060	r	(P-8635/93;A-1927)
1375.2070	r	(P-8635/93;A-1927)
1375.2080	r	(P-8635/93;A-1927)
1375.3010	r	(P-8635/93;A-1927)
1375.3020	r	(P-8635/93;A-1927)
1375.3030	r	(P-8635/93;A-1927)
1375.4010	r	(P-8835/93;A-1927)
1375.5010	r	(P-8635/93;A-1927)
1375.6010	r	(P-8835/93;A-1927)
1375.6020	r	(P-8635/93;A-1927)
1375.8030	r	(P-8635/93;A-1927)
1375.7010	r	(P-8635/93;A-1927)
1375.7020	r	(P-8635/93;A-1927)
1375.7030	r	(P-8635/93;A-1927)
1375.7040	r	(P-8635/93;A-1927)
1375.7050	r	(P-8635/93;A-1927)
1375.7060	r	(P-8635/93;A-1927)
1375.7070	r	(P-8835/93;A-1927)
1375.7080	r	(P-8635/93;A-1927)
1375.7090	r	(P-8635/93;A-1927)
1375.7100	r	(P-8635/93;A-1927)
1375.7110	r	(P-8635/93;A-1927)
1375.7120	r	(P-8635/93;A-1927)
1375.7130	r	(P-8635/93;A-1927)
1375.7140	r	(P-8635/93;A-1927)
1375.7150	r	(P-8635/93;A-1927)
1375.7160	r	(P-8635/93;A-1927)
1375.7170	r	(P-8635/93;A-1927)
1375.7175	r	(P-8835/93;A-1927)
1375.7180	r	(P-8635/93;A-1927)
1375.7190	r	(P-8635/93;A-1927)
1375.7200	r	(P-8635/93;A-1927)
1375.7210	r	(P-8635/93;A-1927)
1375.7220	r	(P-8635/93;A-1927)
1375.7230	r	(P-8635/93;A-1927)
1375.7240	r	(P-8835/93;A-1927)
1375.7250	r	(P-8635/93;A-1927)
1375.7260	r	(P-8635/93;A-1927)
1375.8100	r	(P-8635/93;A-1927)
1375.8110	r	(P-8635/93;A-1927)
1375.8120	r	(P-8635/93;A-1927)
1375.8130	r	(P-8635/93;A-1927)
1375.8140	r	(P-8635/93;A-1927)
1376.10	n	(P-8630/93;A-1914)
1378.20	n	(P-8630/93;A-1914)
1378.30	n	(P-8630/93;A-1914)
1378.40	n	(P-8630/93;A-1914)
1710.134	n	(P-21257/93;A-8609)
1710.170	am	(P-21257/93;A-8609)

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